

# MODERN POLICE WORK

including

DETECTIVE DUTY

JAMES A. MURPHY

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# MODERN POLICE WORK

including

## DETECTIVE DUTY

A BOOK FOR POLICE OFFICERS  
OF ALL RANKS

*National in Scope*

By

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## P R E F A C E

The primary aim of this book is to aid the ambitious policeman to perform his duties properly and to gain promotion. It is also hoped that it will help the law-abiding civilian reader to safeguard himself from criminals.

All its subject-matter conforms to modern police practice, but a considerable part has appeared in the author's previous works.

It was necessary to compress a large volume of information into a comparatively short space, so in some instances the essence of facts which have been established by scientists is given in the form of assertions.

Very welcome and valuable assistance in the way of suggestions of new work for inclusion, in the way of criticism, and in proofreading has been received from many persons, to all of whom the author is deeply grateful, particularly John J. Germain, Editor of *The Police Journal*, Dr. Charles H. Hochman, Assistant Medical Examiner, New York City, John Q. Walton, jr., of the Fed-

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JAMES J. SKEHAN

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# MODERN POLICE WORK

including

## DETECTIVE DUTY

### CHAPTER I

#### THE POLICEMAN

#### EVOLUTION OF POLICE

AS man advanced from the savage state in which we find him at the dawn of history, as the tribes and other communities increased in numbers, as their tastes grew apart, and as they began to accumulate various forms of property, the need of laws made itself felt.

Without them a man could not be secure in the possession of the fruits of his labor or skill. Suppose he captured a valuable slave or animal, or that he made a bow and arrow, a spear or a canoe. How was he to keep his property from the stronger arm of a predatory neighbor? Only when the law of the land came to his assistance, throwing over him its protecting shield.

Men were during the first ages accustomed to settle their disputes by fights—he who had the best spear, the strongest arm, and the greatest skill in combat having the “law” on his side.

As the tribes came to inhabit villages and towns, quarrels over property became more frequent, and this primal method of settling disputes was found to be wasteful of human life and altogether unsatisfactory. Accordingly, the practice of referring disputes to the king or chief was resorted to, and his decisions in regard to disputed points became the laws of his people. In this way our present laws assumed their earliest forms.

Early laws like those of Draco were drastic, and even petty offenses were punishable by death. But, like some of our modern criminal laws, the drastic laws prescribed did not, in general, have public approval, and, as a consequence, comparatively few persons were found guilty.

Today, laws are divided into two classes—civil and criminal—and lawmakers endeavor to make the punishment fit the crime.

### **Peace Officers of Long Ago**

Organized society, throughout the whole period of civilization, has employed public officers to enforce its rules and precepts, and to bring before the bar of justice those charged with violating them.

Archeologists relate that Egyptian public officers performed police functions about one thousand years before the Christian era. Their weapon and symbol of authority was a staff topped by a metal knob on which was engraved the name of the king. The baton carried by the modern policeman may have had its origin in that staff.

Under the Roman Empire, in the first century, A.D., there were public officers called "lictors," who acted as bodyguards for magistrates and who, if ordered by the magistrate, summoned criminals before him and inflicted the punishments he prescribed, even the death penalty. Their symbol of public authority was a bundle of rods surrounding an ax-surmounted staff ("fasces"). The fasces is portrayed on the American dime.

According to ancient chroniclers, the famous knights of King Arthur's court roamed through Britain in the fifth century, A.D., suppressing wrongs, enforcing rights, and safeguarding travelers. The shield worn on the modern policeman's uniform may have had its origin in those carried by these knights, who, it was said, would die to protect their shields.

### Genesis of the Constable—

In the ninth century, a police system called "frankpledge" was established in England. Under it, any freeman who had land was punished by loss of it if he broke the law. Freeman who had no freehold were compelled to form into separate "tithings." Each tithing consisted of a group of ten families or households, headed by a chief tithing-man, who was practically the local policeman and was responsible for law enforcement in his group. When a felon escaped, the chief tithingman proclaimed it in a "hue and cry," whereat all were supposed to aid in his capture. This is probably the origin of the present-day general alarm which is broadcast for wanted criminals. A

group of ten tithings was called a "hundred," and its head man had responsibilities similar to those of the chief tithingman, but greater.

A few centuries later, chief tithingmen became known as "petty constables," while the head man of each hundred was called "head constable." The modern English policeman is a descendant of these constables.

The word "constable" is derived from "comes stabuli," the title of the master of the horse of the Eastern Roman emperors at Byzantium.

In the United States, "constable" is the title of an officer whose duty it is to maintain the peace, arrest offenders, serve writs, and execute warrants.

### Meaning of "Police"—

The word "police" is derived from the Greek "polis," meaning "city." Originally, in Continental Europe, the term included all the activities of a state which had not been segregated into special administrative branches.

By the middle of the eighteenth century, the scope of police activity had on the whole narrowed down into two main lines, i. e., the so-called "security police," intended to preserve the individual from dangers threatening his person or property, and the "welfare police," established to foster the public welfare by the promotion of interests beneficial to society.

The name was introduced into England from France in the eighteenth century, principally in connection with the lighting and scavenging of



towns. It has finally come to connote particularly a body of civil officers, acting under authority, dedicated to the maintenance of order and enforcement of the laws.

### **Police in the United States—**

The beginning of police organization in our country is traceable to the colonial period. The colonists on the Atlantic seaboard usually appointed parish constables on the English model. In New York City, the "rattle-watch" of the Dutch colonists was succeeded by the constables' watch on the English pattern.

In 1844, a municipal police force was established in New York City, of which the present New York police department is a development.

## **MODERN POLICE ORGANIZATIONS**

### **Municipal Police—**

Municipal police forces in the United States show little divergence in their schemes of organization, especially in larger cities.

The main body of police, in each city, is assigned to patrol duty on foot and in radio-equipped automobiles. Usually, specialized patrol is performed by men mounted on motorcycles and horses, and by detectives in so-called "cruiser" cars.

Each department has a number of special units, for which certain men are selected and specially trained. Such units are a detective division, with its various special branches; a traffic division; a

license bureau; a public morals division; a juvenile aid bureau; a policewomen's bureau; an emergency service division, etc.

### **Sheriffs—**

A sheriff, in some counties, is charged with the duty of preserving the peace and executing civil and criminal processes. As a rule, the sheriff has custody of prisoners awaiting trial. In a city which is coextensive with a county or which embraces several counties, however, the sheriff's peace duties are given over to the chief or commissioner of police.

### **State Police—**

Most of our states maintain a state police force, which acts under the jurisdiction of the state itself rather than under that of any local authority. Its members perform police functions principally in rural districts, where adequate police service cannot be rendered by local police.

### **Federal Police—**

The federal government has established and directly controls several organizations whose functions are to enforce federal criminal laws. The Federal Bureau of Investigation is the most outstanding of these organizations.

Policemen throughout the United States cooperate with all federal officers, especially in regard to acts which are crimes according to both federal and state laws, as, for instance, bank robbery, kidnaping, unlawful sale of narcotics,

counterfeiting (the counterpart of which under state laws is forgery), etc.

Washington, D. C., is federal territory. Hence its municipal police force is controlled by the federal government.

### **Special Police—**

Quasi-police functions are performed by special policemen throughout the United States who are authorized by law to perform specified police duty when employed for that purpose by railway companies, banking institutions, public service corporations, etc.

## **MODERN POLICE FUNCTIONS**

The principal functions of modern police are:

- (a) To preserve the peace
- (b) To prevent crime
- (c) To protect life and property
- (d) To enforce laws and ordinances
- (e) To detect and arrest violators of the law

The proper performance of these functions is an important factor in good government, because, as a building rests upon its foundation, so does a government rest upon the police force which supports and maintains it.

Moreover, especially in large cities, good policemen render other services of an important nature. They are often doctor, lawyer, social adviser, and, indeed, government in all its branches to the lowly in distress. It is they more than any other body, who snatch the erring daughter and the wayward

son from the brink of the precipice and help the penitent lawbreaker to "keep to the right." It is often their aid and advice that remove the difficulty of the drunkard's wife, the "jobless" man, and the unfortunate of all other kinds and conditions. And it is its police force rather than any other body that, for decent men and women, makes the city, town, or village a safe and wholesome place in which to live in and rear their families.

A police force gains the respect of the community it serves by carrying out its functions in a spirit of toleration, human kindness, and good will towards all men. This is a difficult task, because people in every community have many standards of morality, and, although many are willing to obey some of our laws, they are determined to violate others. Therefore, the policeman is never popular with all classes of persons. He is, of course, looked upon by the vicious and lawless as their natural enemy. He is considered to be an obstructionist by every arrogant and selfish citizen who desires to indulge his own self-seeking whims and inclinations, to the annoyance or the disadvantage of others. He often is, and will probably continue to be, used as a footstool by unscrupulous place-hunting politicians and as a butt by every crack-brained reformer whose ideas are born of emotionalism. And the reputation of the fine, manly, decent men who comprise the overwhelming majority of police organizations will probably continue to be besmirched by the bad

conduct of the comparatively few in police organizations who prove false to the trust placed in them.

## NECESSITY FOR TRAINED MEN

With the march of time, we are in the age of specialists. Even professional criminals specialize in their *modus operandi*. Modern efficiency demands that policemen be trained for and adapted to the work they are required to perform. It is almost as illogical to give an untrained man a club and gun and send him forth to perform complex police duty as it would be to give him a kit of surgical instruments and send him forth to practice as a physician. If a man who holds himself out to be a physician is called on to render medical service and he does not know what to do and how to do it, those who observe him know that he is a charlatan, and deride him. If a man wearing a policeman's uniform does not know what to do and how to do it when called on to render police service, those concerned are prone to scoff at him and lose faith in the department to which he belongs.

How can a policeman enforce the law unless he has at least a fair knowledge of the acts and omissions which are prohibited by law, and of the police action he should take against those who break the law? When he sees a questionable act committed he cannot, as a rule, defer his action until he consults a law book or other authoritative source to ascertain what he should do. Hence he has to take action forthwith, and

if he errs in his judgment or actions he is liable to civil suit and discipline by his superiors. Furthermore, a policeman is primarily a hunter of vicious men, and it is as necessary for him to know the *modus operandi* of the burglar, the robber, the gangster, the pimp, the dope fiend, and a horde of other malefactors as it is for the trapper to know the habits of the wild animals he goes after.

True, an intelligent, ambitious police recruit who receives no preliminary training for his profession may learn it in the course of time through practical experience; but while he is learning, criminals profit and decent citizens suffer by his mistakes.

### QUALITIES A POLICEMAN SHOULD POSSESS

All in all, a good policeman must have certain qualifications.

One who possessed the following qualifications would doubtless make an excellent policeman:

(1) **More Than Average Intelligence.** A policeman is sometimes required in the line of his duty to take immediate action in a complex case for which no mode of proceeding has been established. Therefore, he must decide on what is best to do before he acts. If he is possessed of a good intellect, his judgment would probably be sound, and hence his action would be in accordance with common sense. The judgment of one with an inferior intellect, on the other hand, would probably be irregular in such a case.

(2) **General Knowledge Above the Average.** A policeman, even when intelligent, cannot function efficiently unless he has at least a fair general knowledge when he is appointed. An intelligent, observing policeman usually increases his store of knowledge through the practice of his profession and by studying.

(3) **Comprehensive Knowledge of Police Practice and Procedure.** Obviously, a policeman must know what to do and how to do it when performing police duty.

(4) **Good Character.** Men are found in all walks of life who have a good reputation, but not an innate good character. In the course of a policeman's career, he is often strongly tempted to betray his trust by those who want to be privileged to break the law, and unless his character is excellent he may fall.

(5) **Resolute Will.** At times, obstacles arise in the performance of police duty that cannot be surmounted unless the policeman concerned is determined to perform his duty without fear or favor. A policeman who vacillates when confronted with such an obstacle is likely to decide on a line of conduct that seems best for his own welfare, and hence he may depart from rectitude.

(6) **Ambition.** A policeman who is ambitious for promotion or preferment, and who has to earn it by fair competition with other policemen, is likely to keep up-to-date in his knowledge of police work, and to do his best to render satisfactory service.

(7) **Physical Strength.** A policeman, in order to withstand the physical and nervous strain under which he labors, and to resist those who attempt to cope with his authority, must be strong, active, and fleet-footed. However, a policeman's physical strength, like that of every other human being, begins to wane, as a rule, after he has passed middle age. Hence, those in authority over him should take this into consideration and only assign him to duty which he is physically competent to perform.

(8) **Physical Courage.** A policeman must have an abundance of physical courage. Indeed, a physical coward would be a "rara avis" in a police organization, as a man would not be likely to choose that career unless he were courageous. If, by chance, a coward did become a policeman, he would soon be detected and his services dispensed with. Every policeman must be ready at any moment to do battle with the drug-crazed gunman in the dark alley, to dash through the flaming tenement to rescue those trapped by the flames, to jump into the swift-running river to rescue the desperate loser who is trying to end it all, and in hundreds of other ways to risk his life in the performance of his duty.

(9) **Ability to Observe Accurately.** A policeman cannot function efficiently unless he instinctively observes keenly the things going on about him, because every policeman is called on from time to time to describe with exactness to judge and jury the act of the quick-fingered pickpocket, the time and the manner of the atrocious murder, the



shape of the burglar's footprints, the speed of the reckless driver, and so on. Indeed, the efficient policeman must have the instinctive ability to see what nobody else has noticed—must perceive what others overlook—and be instinctively aware of what is being concealed from him.

(10) **Other Important Qualifications.** Last, but not least, the policeman must be of the type that takes pride in public service, who is equally courteous to rich and poor, and is neither a flunkey nor a tyrant.

### **Ten Points for Efficiency—**

It is evident, therefore, that police work is highly professional in its domain.

This being so, those responsible for a police organization can best maintain an efficient force when they—

1. Require candidates for the force to pass a competitive civil service examination as to their physical and mental fitness;

2. Appoint only men whose character has been investigated and found to be excellent;

3. Send recruits to a police training school for a probationary period to learn police duty from competent teachers;

4. Disqualify candidates who fail to make good in the training school;

5. See that superior officers in command of recruits who are performing actual police work instruct and advise them in the practical performance of police duty;

6. Require all policemen to keep themselves, when possible, physically fit by taking calisthenic exercises, and mentally fit by keeping up-to-date in their knowledge of laws and police procedure;

7. Adopt some method of rewarding policemen for extraordinarily skillful or hazardous police work;

8. Show the members of the force by actual practice that, when they do their work to the best of their ability and with impartiality, they will be backed up by their superiors and will not suffer through the influence of those whom they bring before the bar of justice;

Show subordinates that they can advance themselves to higher grades only by good police work and fair competition with their comrades, and that the attempted use of political or other undue influence for that object will retard rather than advance them;

10. Promote to higher rank only men who pass a competitive civil service examination on their general knowledge of police work and their particular knowledge of the duties required in the rank that they seek. Give credit in such examinations for previous good police work and demerits for convictions for previous bad conduct. However, such demerits should be limited to a certain period of time prior to the examination, for penalties should not be allowed to hang too long over the head of an ambitious policeman who made a minor false step and subsequently corrected it by a sufficient period of exemplary conduct.

## CHAPTER II

### DISCIPLINE AND DEPARTMENT

#### MEANING OF DISCIPLINE

**M**OST policemen understand discipline to mean *punishment* and *severity*, and often imagine that a superior officer who keeps his subordinates in a state of fear by “bulldozing” or by making frequent complaints is a good disciplinarian. This, we think, is a wrong viewpoint. The good disciplinarian is one whose subordinates obey his orders unquestioningly and execute their duties properly from a high sense of personal loyalty, rather than through fear of the consequences of neglect. Some policemen acting under the supervision of an unreasonable martinet—whom they therefore dislike—take pleasure in “besting” him by neglecting their duties when the risk of detection is small; and, if such a superior is not master of the duties of his rank, they observe his mistakes with pleasure and deride him behind his back.

#### Advice to Superior Officers—

1. Be absolutely just in handling your subordinates and remember that favoritism of any kind creates jealousy and dissension.

2. Keep "up-to-date" in your knowledge of laws and ordinances, rules and regulations, and police procedure. By doing so you will gain prestige. You will also gain it if you are able to work out and submit to your superiors new, practicable, and worth-while ideas for the improvement of police work.

3. Give your subordinates a "square deal," and see that they receive one from the officers subordinate to you (if there are any such).

4. Show your subordinates a good example by your personal conduct and by doing your job to the best of your ability. If you show a bad example in personal conduct or by neglect of duty, you may be sure that at least some of your subordinates will copy you and excuse themselves by pointing to your example.

5. Have confidence in your ability to command. If you give an order and are not confident that it will be obeyed, it probably will not be. Give orders in a firm, determined voice and manner.

6. If, in the performance of police duty, you come in contact with a difficult condition and are doubtful of your ability to handle it, do not let your subordinates see that this is so. Do the best you can in the circumstance.

7. Decide before giving an order whether it is necessary and practicable. Avoid giving foolish or unnecessary orders.

8. When you have given an order, see that it is obeyed; and do not overlook any disobedience of

your orders or violation of the regulations in any degree.

9. Take disciplinary action in accordance with justice and police regulations, tempered by mercy and common sense. If the offense is one for which the offender may be admonished, give the reproof in a dignified manner; and do not unnecessarily humiliate the offender by rebuking him in the presence of others.

10. Hold officers subordinate to you responsible for the neglect of their subordinates only to the extent that they are responsible; but, when they are responsible, make sure to hold them accountable, as well as the offender. Sustain superior officers subordinate to you in the exercise of their authority, except when such authority is improperly used.

11. (a) When a superior officer subordinate to you makes an honest mistake, do not rebuke him in the presence of his subordinates, but inform him of his mistake privately and see that he corrects it. (b) When you file a complaint against or otherwise discipline a subordinate, try to impress him with the fact that it is his own bad conduct, rather than your desire, that is the cause of his trouble.

12. When you are enforcing an order of your superiors that is unpopular with your men, do not weakly say that you are enforcing it only because you must—men do not like that kind of cheap sportsmanship.

13. Do not shirk responsibility when impor-

tant or exciting police work is being performed. Make a plan beforehand if possible, and explain clearly to your subordinates what work you require of them in the matter, and show them a good example to follow in your coolness and fixity of purpose.

14. Commend, in the presence of their comrades, subordinates who have performed unusually good police work and give them, or secure for them, all the reward possible for such good work.

15. Do not, under any circumstances, take credit to which a subordinate is entitled. If you should do so, your subordinates would rightly consider you a "hog." Police work well done by your subordinates brings you credit for being a good commander.

16. Show your subordinates that you have their interests at heart by being concerned about their physical and social welfare. If practicable, know the names of all your subordinates, and, when speaking to a superior officer subordinate to you (except in a social way), give him his title.

17. Be sure to maintain the prestige conferred by your rank, but not arrogantly.

18. Don't let your rank give you an exaggerated idea of your own importance. Remember that a superior officer is sometimes told that he is a great man by subordinates who are trying to curry favor with him, as well as by civilians who expect to use him to gain their own selfish ends. Some superior officers are blinded by blarney, stultified by sycophancy.

## DEPARTMENT

When one dons the uniform of a policeman, he presents himself as one whose profession is to combat the vicious and lawless and to protect the virtuous and law-abiding. Consequently, when society finds a policeman to be vicious and lawless, it brands him as a hypocritical violator of the trust it had placed in him and shows him no mercy. Furthermore, society, generally speaking, often blames a whole police organization for the wrongdoing of its individual members. This being so, the policeman who contemplates doing a disgraceful act should, if not deterred by his own self-respect or fear of the consequences, refrain from bringing shame to his fellow policemen.

### Advice on Deportment—

Respect the authority of superior officers no matter what you think of them personally. If you think that a particular superior officer is not giving you a "square deal," complain, man-fashion, to the superior who has power to correct the condition, but do not be a chronic complainer about unimportant trifles.

Do not imagine that it is servile to salute your superior officers in the manner prescribed by the regulation or to address them as "Sir." It is only the ignorant-minded man who has such ideas. Saluting a superior officer and being otherwise respectful to him is in fact respecting the office

rather than the man. The military salute is a form of salutation that belongs exclusively to military organizations. A police organization is a semi-military one; therefore, policemen should be proud of the privilege of using that form of salutation.

Do not be discouraged if your superior officers seem not to be recognizing your ability and the good work you believe you are doing. Remember that, when you are walking, you go forward because you kick the ground, and it returns the force by pushing you along. So, if you do good work, sooner or later it will push you forward.

Do not be arrogant or surly in your attitude toward the public, for such an attitude makes enemies for you and your department. Remember that the smile wins and the frown loses friends.

Treat rich and poor alike; nevertheless, be not too proud to help a colored "mammy" lift a basket of clothes to her head, but rather, be too proud to curry favor with the rich or powerful by unmanly servility.

When in the homes or offices of prominent persons on police business, conduct yourself as a dignified officer of the law, and be just as careful to do so when in the homes of the lowly. Those having the spirit of flunkeys or tyrants do not make good policemen.

Listen attentively to and answer civilly questions asked of you in the line of your duty, even though they may appear aimless or foolish. If



you are unable to answer or if the rules of your department prohibit an answer, inform the questioner of that fact and tell him how he may get the desired information. In this respect, be especially attentive to strangers in your city.

Do not indulge in idle gossip concerning the private affairs of citizens nor make remarks about others which you would not willingly repeat in their presence. Remember that derogatory remarks made by a policeman about a person's character have more weight and do more harm than those made by a private person. The idle gossip of a garrulous policeman has often blasted the reputation of an innocent person.

Strive to control your temper and your nerves, even when both are sorely tried by unreasonable or disorderly persons. Remember that a cranky policeman is often in difficulty with the public and his superiors, and that the one you arrest or obstruct may have some reason to be excited or angry, but that for you the incident is merely in the line of police duty.

Give your name and shield number cheerfully to all who request it, even to those who are about to make a complaint against you. When you lose your temper with one who intends to make a complaint, you are giving him additional cause for it.

Do not be a 'knocker' of your "job" or your superiors. If you don't like your superiors and talk about them, you are inviting trouble your way.

Keep in mind that every time you render good police service or do an act of kindness you are making friends for yourself and your department.

Make friends of decent citizens, but shun even an appearance of friendship with those of bad character and those engaged in an unlawful business.

## CHAPTER III

### POLICING A PRECINCT

**T**HE police organization of a city is divided into numerous units. A precinct force is an important unit, and, unless it is carrying out its functions properly, it reflects discredit on the whole organization.

#### THE CAPTAIN

The captain is the commanding officer of the precinct. His duty may be divided into two kinds, namely: administration and government.

Administration includes seeing to it that his station house and any other buildings under his command are kept clean, orderly, and in good condition; that the property issued for or assigned to his command is properly cared for, is economically used for the intended purpose, and is sufficient and serviceable; and that all records and reports are properly made, filed, and forwarded to other units when the regulations so require.

Government includes the responsibility of preserving the peace and detecting crime within his precinct and of the enforcement by himself and his subordinates of all laws and ordinances and of all orders, rules, and regulations of the

police department; responsibility for the proper performance of police duty and the maintenance of discipline in his precinct.

This means, of course, that the captain has a very responsible job—one which requires systematic hard work and attention to business.

The captain who attempts to do all the work and look after all the details in person makes a mistake. This cannot be done. He should distribute the work of his subordinate officers in so far as it is consistent with the regulations, and should organize the help they are supposed to give him. He should give them plenty to do and put them on their own responsibility as much as possible. He should not hamper or pester them with unnecessary details, but he should require results and see that they “deliver the goods.”

With regard to the patrolmen, the captain stands in the same position as the father of a large family. They soon form a decided feeling for him, although sometimes it is one of hatred. But it will be one of respect and confidence if they observe that he is honest, capable, and conscientious in the discharge of his duties; that he is considerate and just to them and his subordinate officers; that he is their friend and protector; and, above all, that he plays no favorites, but treats all as manly men should be treated.

The captain should know the names of each of his subordinates and should endeavor to inform himself as to each subordinate's police record, sense of duty, force of character, steadiness, so-

briety, knowledge of police work, peculiarities, general intelligence, unusual qualifications, detective ability, and whether or not he is studying for or is on a list for promotion. He can, as a rule, gather this information from police records, by personal observation, and by questioning superior officers subordinate to him about their subordinates. However, he should not seek to acquire it by encouraging malicious talebearers nor by doing any "snooping."

He should use the same means to gather information about the conditions on the various posts in his precinct. Also, by questioning patrolmen and patrol supervisors about post conditions, and by consulting trustworthy civilians, he will learn much of value; for a captain's success depends largely on his ability to assign each patrolman to the post on which he can render the best service. It also depends considerably on his skill in handling the superior officers subordinate to him.

### Assigning Patrolmen—

Most posts in the average precinct are "quiet" posts. The policeman on such a post does not often have to cope with dangerous criminals or perform very strenuous police duty. Therefore, when practical, the captain should assign veteran policemen to such posts. Their appreciation for such consideration usually would cause them to perform their duty to the best of their ability. Any who fail to do so should be penalized by the loss of their posts and also otherwise disciplined when

necessary. There are also posts in the average precinct on which unusual police conditions prevail, such as those—

1. Where foreign-born persons predominate;
2. Where tough gangsters and hoodlums have to be kept in subjection;
3. Where disorderly boys abound, as in congested tenement sections;
4. Where places of amusement are centralized;
5. Where laws relating to public morals are likely to be violated;
6. Where skillful burglars are likely to operate, as in posts where very valuable merchandise is sold or manufactured;
7. Where there are unusual street conditions, e. g., outdoor markets, traffic congestion, etc.;
8. Where department stores are numerous.

He should, if practical, assign to such posts men who are best fitted to handle the police conditions that they will have most to do with, for example:

1. A "hard-boiled," two-fisted, but well-balanced man to a post where hoodlums or gangsters have to be kept in control;
2. A kind-hearted, active, and patient man to where disorderly boys habitually get out of bounds;
3. A man ambitious for promotion, whose character is excellent and who is wide awake and exceptionally intelligent to where the laws relating to public morals are likely to be violated;

4. A foreign-language-speaking patrolman to where foreigners are colonized;
5. An alert, active, especially observant patrolman to where burglars are likely to operate;
6. A very courteous, mild-mannered, well-informed patrolman to a shopping centre;
7. A patrolman experienced in handling traffic to a post where traffic conditions are a problem.

The captain should, of course, visit all posts of his precinct frequently, but he should often cover one post thoroughly and observe conditions on it keenly. When doing so, he should be occasionally accompanied by the patrol sergeant and point out to him any wrong condition that should have been corrected but has not been and have him explain why such action has not been taken.

Nevertheless, the captain should not be a chronic fault-finder, nor censure simply for the purpose of showing his authority. There is nothing that will so completely take the spirit out of a man as to find fault with him when he is doing his best.

Moreover, no superior officer should be a "snooper," or resort to unfair methods to "get something" on a subordinate.

The captain should occasionally talk to his men in a friendly spirit while they are on patrol about conditions on their respective posts. Patrolmen like this, because it shows them that their "skipper" is taking an interest in what they are doing and appreciates good police work. Naturally

a patrolman who is doing good work is glad when the captain comments on the fact at a roll-call in the presence of his comrades. Needless to say, he is also glad when the captain talks to him privately about any mistakes he may have made.

Whenever the captain is allowed by the rules of the department to reward good police work, he should do so in full measure. If the good act is one that should be reported to higher authority, he should give the deserving subordinate full credit in the report. Then he should follow up the case and see, in so far as he has power, that the subordinate gets all the credit to which he is entitled.

The captain should support to the limit any subordinate who gets into trouble through honestly performing his duty, and should by some means show any subordinate who suffers from a serious illness or injury received in the performance of duty that he sympathizes with him and appreciates his self-sacrifice. One of the important responsibilities of the captain is to see that his men are properly uniformed and equipped.

### **Uniform and Equipment—**

A policeman's uniform symbolizes his police powers. He should feel it an honor and privilege to wear it, and do no act which might bring discredit to those who wear it by making it a thing to be derided.

Nothing adds so much to the dignified appearance a policeman should present as a "snappy,"



well-fitted, clean, and neat uniform. Unless he wears such a uniform, he cannot expect to make a good impression on those who observe him.

In well-conducted police organizations, the uniforms of its members are required to be in accordance with specifications made by the head of the department. Frequent systematic inspections are made to compel members to comply with such specifications and to keep their uniforms in good condition.

The captain should see that his subordinates are equipped for the service they are required to perform, in accordance with the regulations, and that frequent inspections of such equipment are made by the officers charged with that duty.

The pistol or revolver is an important part of such equipment. Therefore, he should see that each member of his command is equipped with the kind of gun specified in the regulations; that it is at all times fit for use, and that he knows how to use it skillfully. (See "Care and Use of Firearms," Chapter XIX.)

## THE LIEUTENANT OR OTHER DESK OFFICER

Lieutenants are responsible for the performance of all police duty and the observance of all police rules that are applicable to them as members of the force. Lieutenants should be able to perform efficiently the duties of a captain when the responsibility falls upon them. Therefore, a

lieutenant should keep himself posted on such duties.

The desk officers of a precinct are largely responsible for the keeping of official records therein, and have to make such records promptly and accurately. They must keep track of the precinct force, report absentees, supervise the searching and the keeping of prisoners brought to the station house, and inform the captain of unusual occurrences.

Giving proper attention to persons who come to the station house seeking police assistance to correct conditions they deem to be wrong, is one of the desk officer's important duties. In this respect, the desk officer should remember that the complainant, as a rule, has his story prepared beforehand. Therefore, he should be permitted to state his complaint in his own words, without interruption. Then the desk officer should question him about the facts until he fully grasps the matter. He should then inform the complainant as to what action the police will take, make a record of the complaint, and institute the proper police action. If the complaint does not come within the police jurisdiction, the desk officer should so inform the complainant and advise him as to what further action he should take. In all cases the desk officer should strive to impress complainants with the fact that the police are eager and willing to serve them. He should, of course, do his part to prove that fact.

## THE SERGEANT OR OTHER PATROL SUPERVISOR

The efficiency and discipline of the patrolmen in a precinct depend largely upon the patrol sergeants. They have immediate supervision of the patrolmen. They should visit them frequently, observe how they perform their duty, and assist and instruct them in its performance when necessary. Sergeants should exact prompt obedience from subordinates to whom they give orders, but should not be arrogant or unreasonable. A sergeant or other patrol supervisor is fooling himself if he imagines that the patrolmen are not closely observing him and noting his vices or virtues, his police ability or lack of it, and whether or not he is performing his duties faithfully. Therefore, if he has any failings in this respect, he should endeavor to conceal them from his subordinates, particularly from those who might take advantage of their knowledge by shirking their duty.

The habit of being extremely reserved in his words and actions is a good habit for a superior officer to cultivate. A patrol sergeant should encourage his subordinates to develop their powers of observation and to keep "up-to-date" in their knowledge of the law, police rules and procedure, and *modus operandi* of criminals.

The sergeants and all other superior officers in a precinct should do everything in their power to

make the organization contented and harmonious. This is conducive to good discipline and efficiency.

## THE PATROLMAN

### Physical Condition—

A policeman has to be active enough to pursue and capture the fleeing criminal and strong enough to subdue him. If he is on patrol, he has to be on his feet for long hours every day and in the open air during all kinds of weather, and must at every moment of his police life be ready to perform physical tasks requiring superabundance of courage and endurance. Therefore, a patrolman cannot render good service unless he is physically fit.

In the main, policemen are healthy; they live much out of doors, their habits are simple, and their appetites are good; indeed, so good that some who take no other exercise than slowly walking their beats become obese after a few years on the force.

Even should a policeman become obese, he can in some measure at least preserve the symmetry of his body by keeping his chest lifted and arched and his hips drawn back when standing or walking. Corpulency, however, is easier to prevent than to cure. The tendency can be corrected by eating less, especially of fats or starchy foods, by exercising systematically, and either abstaining entirely or being very temperate in the use of alcoholic liquors.

Some policemen, especially those of nervous temperaments, are chronic sufferers from indigestion. This is often due to the fact that their hours for sleeping and eating are irregular, that they eat hearty meals before retiring, and that while on post they eat indigestible food. The irregular hours are a condition of the police job and cannot be avoided, but a little common sense should help to correct the other conditions.

#### *Foot Trouble—*

Foot trouble, particularly fallen arches, is a common ailment of a policeman. Continual standing and walking for many hours every day, pounding his feet on the unyielding pavement, subject the policeman's feet to a great strain, particularly if he is corpulent. This often results in aching feet and damaged arches. In endeavoring to ease himself from the discomfort or pain of this condition, the policeman on his post sometimes assumes undignified body postures, such as leaning against lamp-posts or buildings, thereby developing bad postural habits. The policeman so afflicted finds it a great hardship to perform a tour of patrol duty; so he is greatly handicapped in carrying out his functions.

#### *Advice on Care of the Feet—*

Wear shoes that conform to the natural shape of the foot. They should be nearly straight on the inside in general outline, almost to the tip, and be slightly raised. The soles of the shoes

should be somewhat thick, as this prevents the wearer from suffering from irregular pavements and prevents water from soaking through. The heels should be broad and tipped with rubber. The uppers should be pliable and fit the foot. Special shoes should be worn when the wearer suffers from fallen arches or flat feet. The shoes should be changed every few days. Socks should fit well. They should be as soft and seamless as possible, and, like the shoes, suitable to the weather.

When walking, keep the feet nearly parallel, not with toes turned out at an obtuse angle. Exercise the feet now and then while on patrol by rising on the heels and toes alternately; and while walking or standing, by endeavoring to throw the weight on the outside of the foot.

### *Keeping the Body Fit—*

Devote at least ten or fifteen minutes each day, preferably after getting out of bed, to setting up exercises. Those prescribed for the U. S. Army are very suitable for policemen.

Do not take a cold bath when heated from exercise, nor let underclothes, damp from exercise, dry on the body.

You should acquire by practice some skill, at least, in boxing, wrestling and jiu-jitsu, as this will give you an advantage over those who resist your authority and will, in most cases, enable you to perform your police functions without the aid of a club or a gun.

## Observation—

A patrolman or any other policeman might be in first-class physical condition and patrol his post faithfully sixty minutes to the hour, but unless he has the art of observing things that are going on about him and the habit of doing so, he cannot render efficient police service. Witnesses who lack the power of observation frequently make false statements, believing them to be true. Some time ago in the New York courts a person was being tried for poisoning another. Three witnesses had tasted the liquor in which the poison was administered. One testified that it was tasteless, another that it had a disagreeable taste, and the other that it was sweet.

In another case there were two witnesses. One testified that by the light of the moon he saw a man and a dog walking along the seashore, and the other that it was a woman and a child who were walking there.

In another case, a taxicab driver, who had heard a shot in his cab and immediately heard the cry of the man who was shot, was asked by the district attorney what time had elapsed between the shot and the cry. "Two minutes," he replied. "Are you positive it was two minutes?" said the counsel for the defense. "Yes, sir," he answered. The counsel for the defense took out his watch and said, "I will rap on the table and that will represent the shot. Signal when the same length of time has elapsed as did between the shot and the cry." When four seconds had elapsed, the

driver signaled. The counsel then attacked the driver's testimony on other points because of his lack of observation on that point—a method that is often used by attorneys to discredit witnesses.

*Advice on Developing  
the Power of Observation—*

1. Practice guessing the height, weight, age, etc., of your friends and acquaintances and the occupation and nationality of strangers with whom you come in contact. Then ascertain by discreet questions whether your guesses are correct. This practice will aid you in picking up wanted criminals from the description in an alarm and also make you competent to give a good description of a person whom you see.

2. Occasionally observe a motion picture pertaining to the commission of crime. After leaving the theatre, write a description of what you observed and check up by again observing the same picture.

3. Practice memorizing the types of passing automobiles and learn to know the points that distinguish the various makes of automobiles from one another. This practice will enable you to "pick up" an automobile wanted in an alarm and also to obtain a good description of one in which you see criminals escaping after the commission of crime.

4. When conversing with persons, make it a practice to observe the kind of clothing and jewelry they are wearing.



5. Practice guessing the distance of one object from another and the speed of passing vehicles. You will find this helpful when you are required to give testimony relative to such things.

### Advice on Patrol of Post—

Every policeman on his post should be ambitious to make at least that location a safe and decent place for respectable men and women to be in and rear their families in.

Your principal duty on your post is—

- (a) To prevent crime;
- (b) To protect life and property;
- (c) To preserve the peace;
- (d) To enforce all laws and ordinances;
- (e) To detect and arrest violators of the law.

A patrolman is not performing this duty to the best of his ability unless he faithfully patrols his post, observes everything that takes place within his sight or hearing, investigates everything that appears to be suspicious or unusual, and takes proper police action to correct every wrong condition that comes to his notice in the line of his duty.

### *Prevention of Crime—*

The prevention of crime on your post—particularly serious crime—is one of your important duties.

You should not forget that, while some persons refrain from committing crime through a sense of

self-respect, the majority of persons resist the temptation to do so because they fear either death, detection, being handled roughly by the police, imprisonment, or loss of some other self-interest. Hence, when a criminal or a potential criminal, acting by himself or in concert with others, is tempted to commit a crime, as a rule he asks himself the following questions:

1. What shall I gain if I commit the crime?
2. What are my chances of escaping detection?
3. What punishment am I likely to get if I'm detected?
4. Is the gain worth the risk?

Whether he decides for the right or wrong depends largely upon—

(a) The quality of his cerebral cortex, including whether his imagination is vivid, average, or drab;

(b) His previous experience in crime, if any;

(c) The strength of the temptation;

(d) The danger of detection, as he himself estimates it.

NOTE—See Chapter V, also Pages 65 and 66.

Even though a criminal decides to commit serious crime, he will not do so unless he has the opportunity. Therefore, you should keep in mind while on post that a criminal who intends to commit a crime on it may be watching you to see how you perform patrol duty. If he observes that you are alert, wide awake, and a good patrolman, he will probably be afraid to take the chance. Of

course, no matter how efficient the patrolman on post may be, he cannot, except by chance, prevent forgers, commercial swindlers, dishonest employees, sneak thieves, and similar offenders from having the opportunity to commit crime on his post or detect them after commission. This is chiefly the job of the detective force. But the patrolman should in every respect cooperate with that force to the best of his ability.

When you are assigned to a patrol post, you should earnestly endeavor to ascertain whether there are any persons residing on, doing business on, or frequenting your post who are engaged in criminal practices. This, of course, is a difficult task. It can be done only by persistent, intelligent police work. But if you acquire such knowledge even in part, it will help you to prevent criminals from operating on your post, enable you to "pick up" criminals wanted for crime, make you a valuable source of information to the detective force, and bring you to the favorable notice of your superior officers.

You know, of course, that most criminals fear and respect the "hard-boiled," wide-awake, alert, fair-minded policeman who is smart enough to recognize when a thing is wrong and knows what to do to right it. Criminals, as a rule, will not operate on such a policeman's post, especially not if they know that he knows them or is likely to find out who and what they are.

*Keeping Posted on Criminals—*

You can often get valuable information about criminals who may frequent or reside on your post by discreetly “pumping” persons employed in lodging-houses, middle-class hotels, furnished-room houses, moving-picture theatres, cigar and candy stores, coffee houses, all-night restaurants, pool-rooms, pawnshops, pawnbroker sales stores, night clubs; also janitors and boys who deliver goods for butchers, grocers, and laundries. In seeking this information, you should particularly inquire about any suspicious person on your post who is able to support himself in idleness without visible means.

Many civilians are afraid to give information to the police for fear they would be called “squealers” or “stool pigeons.” Some civilians refrain from doing so because they dislike being mixed up in criminal cases or incurring the wrath of criminals. Therefore, if you have confidants who are voluntarily giving you information about wrong conditions, do not violate their trust in you by revealing their identity without their consent.

You should transmit all valuable information of this kind to your commanding officer, the detective force, your patrol supervisors, your side partners, and the criminal identification bureau.

You should keep a private memorandum book for such information and record therein all facts of importance that you gather about criminals on your post, such as name and address, general description, alias, if any, associates, “hang-outs,”

particular kind of crime specialized in, etc. Check up any such information when practical with the records of criminals kept in the rogues' gallery of your department.

When you are positive that a person on your post is a criminal but you have not sufficient evidence to arrest him, you should pay particular attention to his actions, "frisk" him frequently and make your post an unsafe place for him. You should not, however, molest an ex-convict who shows by his conduct that he has reformed. Encourage him to keep on the straight road. But, if you know that an ex-convict is employed in a position of trust and you believe that his employer is not aware of his record, you should report the facts to your captain so that he may take any action he deems necessary.

The professional criminals that you will have most to do with on your post are the following:

1. Gangsters and racketeers;
2. Burglars;
3. Robbers;
4. Receivers of stolen goods;
5. Package and wagon thieves;
6. Pickpockets;
7. Purveyors of narcotics.

In combating these classes of criminals, the patrolman on his post is holding the first line of defense. Naturally, he would be better able to hold it if he knew how the enemy usually attacked.

Therefore, he should know at least the *modus operandi* of the class of criminals with which he has most to do.

## RADIO MOTOR PATROL

Radio motor patrol is maintained as an auxiliary to foot patrol in many cities. Some of the cars are equipped with one-way and some with two-way radio sets.

The crew of such a car usually consists of two patrolmen. One operates the car and the other records radio messages and alarms received.

In New York City, each such car is assigned to a sector, and when its crew receives a message that there is a police emergency within five blocks of where the car then is, the crew goes there even though the message is not specifically directed to that car.

The crew is required, while on the way to the scene of a probable crime, to keep a sharp lookout for any criminal or automobile that may be escaping therefrom.

Upon arrival at the scene of a crime or other emergency, the crew must take the appropriate police action. This having been done, one of the crew must promptly notify the radio dispatcher of conditions at the scene and action taken by the crew. Then the car returns to its sector unless the radio dispatcher directs otherwise.

If, however, there is a sergeant or other superior officer in command at the crime scene, he, and not a member of the car crew, informs the

dispatcher of the conditions at the scene and sends the car crews at the scene back to their respective sectors when their services can be dispensed with.

(See Problem 12, Page 582.)

## EMERGENCY SERVICE DIVISION

In the City of New York (as also in some other large cities), there is maintained an emergency service division, consisting of the following units:

- (a) Emergency service squads;
- (b) An aviation bureau;
- (c) A harbor precinct.

This service is maintained for the purpose of getting trained members of the force as quickly as possible to the scene of an emergency in a precinct or elsewhere, to establish police lines and perform such other duty as may be required at large fires, riots, strikes, or catastrophes. A machine-gun and tear-gas battalion is maintained within this division.

Each emergency service squad consists of a motor truck with emergency equipment and a trained crew in charge of a sergeant, unless otherwise provided.

When a squad arrives at the scene of an emergency, its sergeant is required immediately to establish police lines and take charge of all members of the force present at the scene until an officer of higher rank arrives. He forthwith informs the telephone bureau—and also the desk

officer of the precinct concerned—of the conditions at the scene and of the additional assistance required, if any.

The commanding officer at the scene of an emergency is required to release an emergency service squad as soon as its services can be dispensed with. The squad then returns to its quarters and its sergeant notifies the telegraph bureau of that fact.

## THE PRECINCT DETECTIVE FORCE

The detective force is an auxiliary arm of the police force. It is the duty of the detective force to detect and arrest criminals who succeed in breaking through the defense offered by the patrol force, to assist the patrol force in combating criminals and to aid it in gathering evidence and preparing cases against persons arrested for serious crimes.

A detective should be suspicious, inquisitive, patient, persevering, thorough, and careful; and he should not jump at conclusions.

Detectives cannot carry out their functions efficiently unless they are specialists in their work. They cannot be specialists unless they possess more than average intelligence, have experience and are trained. A detective should have at least a better than fair knowledge of the *modus operandi* of all classes of criminals and be able to find and develop any clues left by criminals at the scene of a crime. A common-sense application of psychological principles in the observation of



crime and the circumstances which lead up to it is necessary in detective work.

Interviewing complainants in criminal cases is one of the important duties that detectives perform. A detective should by his words and actions show the complainant that he is interested in the case and that he intends to do his utmost to make good on it. If property has been stolen that is likely to be disposed of to a pawnbroker, second-hand dealer, etc., he should inform the complainant as to the system used by the detective bureau in the recovery of such property. He should visit the complainant more than once and keep him informed as to the progress that is being made on the case. He should endeavor to adapt himself to the personality and mentality of each complainant, and be tactful in his contact with each one.

When recording a complaint, he should set forth the facts clearly and connectedly.

## POLICEWOMEN

A policewoman performs such duty as the commanding officer of her department may direct.

Policewomen in most large cities render service along the following lines:

Safeguarding female prisoners held in station-houses pending arraignment in court; getting evidence against keepers of disorderly dance halls; arresting male perverts who annoy females in public places, and men who decoy females by misleading advertisements in newspapers; suppress-

ing fake matrimonial agencies and professional fortune tellers; helping wayward girls who are penitent to keep on the right road; detecting abortionists, etc.

Policewomen are assigned to the detective division when the services of a female detective are required.

## CHAPTER IV

### HEREDITY AND ENVIRONMENT IN RELATION TO CRIMINALS

#### WHO IS A CRIMINAL?

**T**HE law states that a person guilty of crime is a criminal, and that a crime is an act or omission prohibited by law and punishable upon conviction by a fine, imprisonment, death or other penal discipline.

For instance, under the law a person guilty of driving an automobile at a rate of speed prohibited by law is a criminal, and in one of our western states a woman who violates the law by wearing her hat in a public dance hall while dancing is a criminal.

Seemingly, this definition of a criminal by the law is neither reasonable nor in accord with public opinion, because thousands of acts which are crimes under the law are neither criminal nor antisocial in their nature. Indeed, many of these acts are crimes in some states and perfectly legal in others, and it is obviously unfair to stigmatize as a criminal a person guilty of an act which has unreasonably been made a crime. Under our present system of penal laws it is almost impossible

for the average American to go through life without committing some petty, so-called crime; hence the average citizen outside the bars of a prison for petty offenders cannot help reflecting that, "There but for the grace of God, . . . I would be."

Apparently it would be more equitable than our present system if a lottery were held in the United States every year to decide who should go to prison for petty offenses and who should stay out.

When petty offenses which are not antisocial are unreasonably made crimes, especially those relating to public morals and pastimes, the enforcement of the law in respect to them is not backed up by public opinion, consequently peace officers either overlook such violations or enforce the law in a haphazard manner. This breeds disrespect for law; and it breeds criminals, because non-enforcement of such laws is a source of graft for corrupt public officers and crooked politicians.

It certainly would improve our present system if offenses which are not of a criminal nature were defined as "infractions" and not crimes. Furthermore, the procedure for bringing such offenders before the bar of justice, and the punishment prescribed for disciplining them, should be different from that established for real criminals. Under our present system the sheep are herded with the wolves in the criminal army, and obviously this hampers peace officers in their warfare against real criminals.

## Using Good Judgment—

Of course, every policeman is in duty bound to enforce all laws and ordinances in the manner prescribed by law, as well as the regulations of his department, even when it seems to him that the prohibited act is not criminal in its nature, and that he will not be backed up by public opinion if he enforces the law relating to it.

Policemen should, however, keep in mind that common sense and public opinion divide law-breakers into several classes, principally the following:

**Class A—Those who commit offenses which are petty and not distinctively of a criminal nature,** such as violations of traffic regulations, sanitary laws, public pastime laws, municipal ordinances, and the like.

A policeman should treat this sort of offender with all the leniency that the law allows and should, when authorized, admonish and warn instead of summoning or arresting him, especially when the offense was apparently due to ignorance of the law or thoughtlessness rather than deliberate selfish disregard for the rights of others.

**Class B—Amateur criminals,** especially when the crime is a petty one, and **accidental criminals;** for instance: one who, in the heat of natural passion, assaults another; the thoughtless first offender, motor vehicle driver who, while exceeding the speed limit, accidentally hits and injures a person; the poverty-stricken parent who steals food for his children; the

adventurous adolescent who commits a minor violation of the public morals law, etc.

Policemen, as a rule, should grant this sort of offender all the privileges allowed by law, but should, of course, take proper police action in each case.

**Class C**—This, the worst class, includes all criminals who willfully commit acts that are manifestly criminal and antisocial, or, in other words, criminals who deliberately violate that natural law which is instinctive in the individual and social being of every upright person. This class includes murderers, robbers, gangsters, gunmen, racketeers, chisellers, grafters, burglars, pickpockets, commercial swindlers, general thieves, rapists, dope peddlers, pimps, and downright malefactors of all other kinds and conditions.

Policemen should treat all such offenders justly, but not at all leniently. Most hardened criminals are only encouraged in their wrongdoing by maudlin sympathy, and they deride those who sympathize with them. Moreover, many of this type are proud of being outlaws, and have neither the will nor the desire to reform. Of course, when a recidivist shows by his conduct that he is making a sincere effort to reform, policemen should help, not hamper him.

## HEREDITY

Statistics show that there are now about three million downright malefactors in the United

States, living by crooked and ruthless methods. They are said to commit millions of serious crimes annually, including something like twelve thousand murders. Their actions in general show that they think plundering and robbing their fellow-man an honorable occupation. Obviously they are seriously challenging the power of organized society.

Why do people deliberately commit serious crimes? This problem has puzzled thinking persons in all stages of civilization, and crime conditions in the civilized countries of the world today are evidence that the problem is yet far from being solved.

All of us are potential criminals because we all have wrong desires which urge indulgence.

The difference between the potential criminal and the actual criminal is that one resists the temptation to do wrong and the other does not.

The principal factors in keeping one on the right road are moral consciousness, foresight, intelligence, and a resolute will. A person is not likely to possess all of these qualities if he has one or more abnormal endocrine glands, a defective cerebral cortex, or any other major abnormality which influences his behavior.

Such defects are usually due to bad heredity, and are strengthened by bad environment, especially during the formative years. Therefore both bad heredity and bad environment are large factors in criminality, and when the two go together they are doubtless the major cause of antisocial behavior.

**Bad Heredity—**

As to a bad heredity, evidently the structure, qualities, and activities of a human being depend largely on the materials of which he is composed and the life and surroundings which shape him.

Geneticists tell us, in substance, that the materials in each of the billions of cells in a human being's body are in general a reproduction of the materials which his parents put in the fertilized egg in which he began his earthly life. Each of one's cells, except germ cells, normally contains twenty-four pairs of "chromosomes" and about one thousand pairs of "genes." Germ cells contain only half that number, hence are only half cells in so far as chromosomes and genes are concerned, but when an egg is fertilized by a sperm the union gives it a full set of both.

The chromosomes are comparable to strings and the genes to beads strung thereon; one member of each pair is paternal and the other maternal in source.

We shall now assume that John Brown and his wife are habitual criminals, have come from tainted stock, and that both are either epileptics, paranoiacs, moral imbeciles, low grade morons, or tainted with some other behavior-influencing major physical or mental defect. Normally the kinds of materials in each cell in their bodies would be, in general, the kinds which were in the fertilized eggs in which they were conceived, and these are the kinds of materials, including genes and chromosomes, which they would, as a rule, transmit to their offspring.



## **Dominance of Genes and Chromosomes—**

Many scientists say that an individual's every characteristic is affected by his chromosomes and genes. They influence the structure of all parts of one's body, also one's health, vigor, length of life, reasoning power, intelligence, and so on.

Probably the quality of the genes, chromosomes, and other materials which were in the fertilized egg in which the individual began life, plus his development in his environment, are the principal reasons why he differs from every other person in physical and mental characteristics, and may be the reason why some individuals, such as the Browns, are defective and jailbirds, while others are respectable and prominent citizens.

## **Man's Cellular Make-Up—**

The cells produced in one's body in the course of its development fall into various categories, but may be broadly grouped as follows:

- (a) The primordial germ cell;
- (b) Immature germ cells;
- (c) Mature germ cells, i. e., egg cells and sperm cells;
- (d) Body cells other than above mentioned.

Geneticists generally say that the primordial germ cell is formed in the body at an early stage in the body development, that it is the source of all the immature germ cells in the body, and that these immature germ cells produce egg cells or sperm cells, as the case may be. Hence hereditary

characteristics, good, bad, or indifferent, are passed along from one generation to another.

### **Reproduction in Terms of Cells—**

Normally, twenty-three of the pairs of chromosomes in each cell of a male are exactly like the corresponding twenty-three pairs in a female. The other pair (of the twenty-four) are known as sex chromosomes because they play a prominent part in the production of sex. They are not alike in male and female. In the male, one member of this pair is known as a Y-chromosome, and its source is his father. The other member is known as an X-chromosome; its source is his mother. In the female, both members of this pair are X-chromosomes, one is paternal and the other maternal in source.

About half of the sperm cells contain one Y-chromosome in each, and half contain an X-chromosome. Each egg cell contains one X-chromosome. This division is made when sperm or eggs are being produced by an immature germ cell. The process of production is complex, but is practically as follows:

1. The immature germ cell divides into two sperm cells or eggs, as the case may be.

2. The two members of each of the twenty-four pairs of chromosomes in the immature germ cell separate. One member chosen more or less at random goes to one new cell, one to the other. Accordingly, in a male, a Y-chromosome goes to one new sperm, an X-chromosome to the other;

whereas in a female, one X-chromosome goes to each new egg cell.

NOTE—These twenty-three pairs are known as autosomes.

3. The combination of the chromosomes is therefore different in each of the new cells; and is not the same as it was in the parent cell. This also applies to all the other sperm or egg cells in an individual's body. Therefore, every fertilized egg, even when the parents are the same, differs from every other in respect to its genes and chromosomes. Consequently, children of the same parents, except identical twins, do not have exactly the same physical or mental hereditary characteristics and tendencies. This is probably the reason why a "black sheep" is sometimes found in an otherwise good family. (See discussion of monozygotic twins, Pages 61 and 62.)

### Transmission of Parental Characteristics—

When an egg is fertilized by a sperm containing a Y-chromosome, the new potential individual is a male. The Y-chromosome is somewhat atrophied. It is practically functionless and is, as a rule, dominated by the X-chromosome supplied by the mother. It is said that this is the reason why a son, as a rule, has his mother's dominant characteristics and tendencies, and that if the X-chromosome supplied to the egg by her is defective he will be defective. On the other hand, if the egg is fertilized by a sperm containing an X-chromosome, a daughter is the result. The paternal X-chromosome, as a rule, dominates the maternal one. This is said to be the reason why

a daughter usually has her father's dominant characteristics, and that if he has any distinctive trait it will, as a rule, be apparent in her, and in at least some of her offspring. If this theory is correct, a son of the Browns would inherit the dominant characteristics of his mother, and a daughter those of her father.

Sometimes, however, the X-chromosome supplied by the father to the fertilized egg is defective or recessive, and the one supplied by the mother vigorous and dominant. In such case the daughter usually has her mother's dominant characteristics. It also happens that the X-chromosomes supplied by each parent is partly defective—but not in the same way. The daughter in such case would not have the dominant characteristics of either parent. She would probably be normal with defective tendencies, provided the normal parts of both X-chromosomes were sufficient to carry out the necessary body development. If the contrary were the case, or if both X-chromosomes were entirely defective, she would be defective, especially sexually, and probably not survive.

Normally, there are two X-chromosomes in the fertilized egg in which a female is conceived, and one X- and one Y-chromosome in the case of a male. When there is any abnormal number of these chromosomes in a fertilized egg, such as three X-chromosomes, the new potential individual is likely to be abnormal sexually. Freaks of nature such as hermaphrodites are said to be due to such abnormal conditions. The other twenty-

three pairs of chromosomes in the fertilized egg also affect sexual characteristics and body development, especially body chemistry.

### **The Browns' Son from the Egg Stage On—**

We shall now assume that a sperm from Brown has fertilized an egg in his wife and that the new potential individual's sex is determined as male. The body in which their son would live his life while on this earth must be developed from the materials they put in the egg. These materials are a nucleus—twenty-four pairs of chromosomes and about one thousand pairs of genes. One member of each pair is supplied by Brown and the other by his wife. A fertilized egg, figuratively speaking, is a magic workshop which reproduces itself over and over again until the new individual which was conceived in it is fully developed.

Each pair of chromosomes and genes and some single ones in the egg fertilized by the Browns would have certain functions to perform in developing their son's body and in carrying on its biological operations. Failure to perform these functions would cause body defects in accordance with what such functions were, and if the unexecuted functions were important, harm might also be done indirectly to other parts of the body. For instance, if the functions of a pair of genes required them to help in the construction of the cerebral cortex of Brown's son and they failed to perform them, the thinking of his brain would be defective. Consequently, he would be likely to

have a deficiency of mental faculties that might impair his reasoning power or warp his judgment, and perhaps cause him to be a moral imbecile. Or, if a single gene were required to aid in the construction of one of his ductless glands, and the gene were defective, the gland would be defective, and its consequent malfunctioning might cause him to be antisocial.

The fertilized egg containing Brown's potential son begins to reproduce itself in his development soon after fertilization. The following is, in substance, the ordinary process, except in the case of identical or monozygotic twins (see pp. 61—62).

1. The fertilized egg divides into two, forming two new cells.

2. As the cell divides, each of its chromosomes divides lengthwise and each gene contained in the chromosome divides. One of the halves of each chromosome and gene go into one new cell, one into the other.

3. The two new cells stay together, each forming one half of the embryo.

4. After the new cells have enlarged to their full size the process of reproduction is repeated over and over again until finally a complex individual with all his parts and functions is developed.

Most geneticists tell us that the materials in a fertilized egg influence the development of the new individual as follows:

1. He will not, as a rule, have any hereditary defects if the materials supplied to the fertilized egg by his parents, especially the genes and

chromosomes, are normal. This also applies to the children of criminals.

2. He will probably be normal if every defective gene and chromosome in the egg is paired with a normal one which carries out the functions of the pair.

3. He may be normal when a gene or chromosome, defective in one way, is paired with one which is defective in another way, provided the normal parts of the two defective ones are able to carry out the functions of both.

4. He will, as a rule, be defective (a) when a chromosome or gene which has individual functions is defective; (b) when the two members of any pair of chromosomes or genes are defective in the same way; (c) when the X-chromosome supplied to the fertilized egg by the mother is defective and the potential individual is a male.

Of course, a person may have heredity defects of a kind which do not influence his behavior in any respect. Moreover, the imperfection may be trivial. However, it stands to reason that the genes and chromosomes in an egg fertilized by the Browns, or persons of their type, would be incapable of developing a normal individual, and that the individual developed from such an egg would probably be like his parents in type. (See Chapter V.)

### **Social Considerations—**

Doubtless many bums, tramps, habitual criminals, sexual perverts, pyromaniacs, dipsomaniacs, paranoiacs and other undesirables, are tainted by

bad heredity; and it is evident that there would be less misery and less unhappiness in the world if parents of this type were, when possible, hampered by law from reproducing themselves. Even propaganda as to hereditary taints such as epilepsy, paranoia, syphilis, etc., would probably deter a certain percent of those afflicted from wronging children by begetting them.

Sometimes a person who has inherited a behavior-influencing abnormality, such as a malfunctioning endocrine gland, manages to control wrong impulses caused thereby—especially if he has been reared in good environment. Usually, however, he collides with the law at some stage of his life, especially if his environment is bad. When a middle-aged person whose reputation has previously been good commits an atrocious sex crime, an abnormal gland or tertiary syphilis is usually the cause.

True, a criminal who is seriously tainted by bad heredity may beget a normal child provided the genes and chromosomes of the other parent are normal. Nevertheless, the taint in such a case is latent in the normal child, and may be transmitted to future generations.

Crime statistics show that delinquency is increased by physical or mental defects which seriously interfere with education, the pursuit of normal recreation, or the ability to struggle successfully for a livelihood. Unquestionably hereditary defects, especially mental ones, drive many into the criminal ranks.



## **Presumptive Evidence of Hereditary Influence on Criminality—**

Some years ago Professor Johannes Lange, a noted German criminologist, made a study of hereditary influence on criminality by comparing the behavior of monozygotic and ordinary twins. "Crime and Destiny" is the title of his book on that subject.

Monozygotic twins are so called because both are conceived in the same fertilized egg. Soon after fertilization the egg divides into two new cells, each of its chromosomes and genes splits lengthwise into two halves, one half of each going to each of the new cells. The new cells remain apart and each develops into an embryo. Hence, the two individuals have identical chromosomes and genes, and so have the same hereditary physical and mental characteristics.

In the case of ordinary twins, two eggs are fertilized. Each egg has a different combination of chromosomes and genes. Therefore, ordinary twins are no more alike than brothers or sisters conceived at different periods. Only about half the hereditary characteristics of ordinary brothers and sisters are the same.

Professor Lange examined thirteen pairs of monozygotic twins, and seventeen pairs of ordinary twins. All the twins were males and old enough to have had conflict with the law. In each case, the subject first examined had a criminal record, and his twin brother was living. In ten out of the thirteen pairs of monozygotic twins, the other twin had a criminal record too. In two

pairs the criminal twin had a head injury that might have caused his criminality and his twin brother did not have a criminal record. In the other pair, the criminal had a goiter and his twin brother was apparently not a criminal. The twins in most of the pairs committed crimes of the same nature.

On the other hand, among the seventeen pairs of ordinary twins examined, the second twin had a criminal record only in two cases. The following are the figures:

	<i>Concordant</i>	<i>Discordant</i>
Monozygotic .....	10	3
Ordinary .....	2	15

In substance, Professor Lange's conclusion was that inherited tendencies play an important part in criminality, and that a man of certain constitution, put in a certain environment, will probably be a criminal. For example, if a monozygotic twin put in a certain environment became a criminal as a consequence, it would be reasonable to suppose that if his twin brother were put in the same environment he would be a criminal too.

NOTE—It is said that no one has ever seen a gene; nevertheless, the existence of genes is universally accepted by the scientific world. Recently, however, a few noted scientists have stated that the gene has no existence and that chromosomes are the means by which hereditary characteristics are transmitted from parent to offspring; but evidently the scientific world generally does not agree with that theory.

## ENVIRONMENT

As to environment, generally speaking, many scientists say in effect that in the skin which covers the outer surface of our bodies there are an immense quantity of small receptors—sentinels, so to speak, who register the changes taking place in our environment.

These changes reach the cerebral cortex through our sensory organs and sensory nerves. The cortex is the thinking part of the brain—the supreme court. Its principal functions are to institute the actions by which thought processes are carried out. Many scientists say that one also has a “thalamus,” or primitive prototype of a brain. It is the lower court, so to speak. Its principal functions are to keep in motion the biological operations of the internal organs of the body, and carry on the business of keeping the body alive (see Note on Page 67.)

Both brains are connected and work in harmony. The cerebral cortex is in control, and, in its judgments, it amends or overrules the decisions of the thalamus which, it is said, has no critical judgment and is practically autonomous. This harmonious cooperation protects the body and the individual who lives in it. All impulses from the periphery of the body pass through the thalamus on their way to the cortex.

Some scientists say that if an impulse on its way to the cortex arouses in the thalamus an intense emotion pertaining to the body—as, for instance, great fear of bodily harm—the individual,

before his cortex decides on what action to take, may act instantly, almost automatically, and perhaps irrationally, to save himself from the danger feared. If the impulsive action taken is not in accordance with the cortex's judgment, it institutes different action; but sometimes damage is done before the cortex has reached a decision. "I did it before I had time to think" is often offered as an excuse for an irrational act, and even for a criminal one.

When the cortex receives a sense impression from the environment it determines what should be done in respect to it. If the impression suggests a course of action, and the cortex decides that immediate action is beneficial, it forthwith institutes the mechanism for the action. If it decides that the action should be deferred, or that more deliberation is necessary, the idea is put in the mental storehouse for future action or consideration.

When impressions are received that do not require action but are considered desirable, they are likewise put in the mental storehouse. Impressions deemed to be useless are substantially discarded.

The good, bad, and mediocre ideas which are in the mental storehouse develop with usage and mold the character and habits of the individual.

The quality of the cortex's judgment in respect to sense impressions depends on whether it be a good, bad, or indifferent cortex. In this regard it

is integrated with the personality, so that the following would be important factors in the case:

(a) The hereditary characteristics and tendencies with which the individual came into the world;

(b) The kind of knowledge he acquired in his environment since he came into the world up to the time such judgment was made;

(c) His emotional condition at the time the judgment was made. For example, when his cortex made a decision the individual might have been laboring under some extraordinary emotional disturbance due to alcohol, narcotics, violent anger, great fear, mania, and so on;

(d) The degree of his susceptiveness to suggestion. Undue susceptibility is sometimes the reason why wrong ideas met with more or less opposition, at last intrude themselves into the mind uncritically and are realized unreflectively.

It is therefore reasonable to suppose that when a person comes from good stock, develops in good surroundings and is properly educated, his cortex will be a normal one, the ideas in his mental storehouse will be good, and the decisions of his cortex under ordinary conditions will be excellent.

Similarly, if a person comes from bad stock, is developed in pernicious environment and is feeble-minded, his mental storehouse will hold many bad ideas, and the decisions of his cortex will be bad, especially when critical judgment is required.

The quality of the indifferent cortex is deter-

mined by the degree of its divergence between these extremes.

When a person is tempted by opportunity to commit a crime, his cortex considers the potential gain and the danger of detection. In order to render critical judgment the cortex must be normal, imagination and intelligence at least average, and there must be knowledge in the mental storehouse, acquired through observation and education, that crime is wrong and does not pay.

If the person concerned possesses these qualities his cortex, under ordinary conditions, decides that it is best not to commit the crime, and the temptation is resisted.

Criminals with most of these qualities are comparatively few in number, and are the ones who sometimes manage to pursue a criminal career and avoid contact with the law for long periods.

Some criminals are intelligent and experienced, but are unduly optimistic or egotistical. Hence, the cortex of such a criminal, even when the apparent hazard is great, may decide that the crime should be committed.

The optimistic criminal thinks he will be favored by good luck, and the egotistical one thinks that he is a super-criminal, that policemen are very stupid, and that his superior *modus operandi* will baffle them. Consequently he feeds his ego by committing the crime and is thrilled by the great risk he takes. Optimism and egotism are the principal reasons why so many otherwise smart fellows are behind prison bars.

Criminologists generally say that the average professional criminal is deficient in the qualities that keep men respectable, and that this defect is usually due to bad heredity, or bad environment, or a mixture of both. Criminals who are abnormal mentally, as a rule, feel that they are destined to be outlaws. From their viewpoint antisocial acts are justifiable.

In concluding this chapter, we would say that even though one accepts unreservedly all the positive truths that science has brought to light relative to heredity and environment, it does not follow that one should accept unquestioned any radical theory relative to the degree of influence that these factors have on criminality.

Even though heredity and environment seemingly influence the will to some degree in many cases of criminality, the fact remains that neither of these factors can absolutely determine the will in any individual case, as even the strongest temptation can be resisted by the individual who taps his deep-seated spiritual resources. Therefore, man is master of his fate.

NOTE—Experiments on lower mammals have shown that reflex movements may be obtained from the spinal cord after the severance of its connection with the brain; e. g., a be-headed cat. Most scientists say, however, that this is due to automatic activity or reflex machinery, and not to consciousness.

## CHAPTER V

### CRIME BREEDING ENVIRONMENT

**C**RIMINAL statistics show that most professional criminals in the United States, especially robbers, burglars, pickpockets, general thieves, gangsters, and gunmen, were reared in slum sections of cities or other urban communities.

The prevalent conditions in every slum section, especially in large cities, include squalid homes, filthy hallways, dark alleys, poverty in all its forms, and all kinds and conditions of vice, crime, shiftlessness, and disorder.

### FACTORS IN A CHILD'S REACTION TO HIS ENVIRONMENT

Children who live in such crime-breeding environment, especially during their formative years, cannot avoid observing the bad conditions which surround them. The effect that such conditions would have on molding a child's character would doubtless be influenced principally by the following factors:

- (a) The child's hereditary characteristics and tendencies, including the quality of his cerebral cortex;



(b) The competency of his parents, including their character and their influence over him through percept, example, and supervision;

(c) The degree of character-molding aid he receives from clergymen, teachers, juvenile aid societies, and other sources;

(d) The force of inculcated religious precept. (It is said that religion is the only force likely to curb pronounced inborn antisocial tendencies.)

If all these factors favored a child who was being reared in a slum section, he would probably surmount his slum handicap and develop into a good citizen; but if the contrary were the case, he would probably become downright antisocial. The degree of divergence between these extremes would probably be a large factor in the child's development into a good, bad, or indifferent citizen.

Even if only Factors (a) and (b) were favorable, he would still stand a good chance of becoming a law-abiding adult. Many good citizens, and some powerful and prominent ones, have been reared in slum sections; but as a rule they came from good stock and had good parents, or else they had extraordinary talents.

On the other hand, it stands to reason that if a child who has a major behavior-influencing defect—such as a defective cortex, thymus, or pituitary gland—is being reared in a slum section by parents either shiftless, drunken, criminal, or otherwise incompetent, he is almost surely on

the road to ruin. Even when such a child is reared under good environmental conditions, he is greatly handicapped, and his hereditary anti-social tendencies are likely to manifest themselves in some way at some stage of his life.

Obviously, crime-breeding environmental conditions are not confined exclusively to slum sections. There are many other hotbeds. For instance, the morals of a child would be greatly endangered if he resided in or habitually frequented a so-called "red light" district, or any resort patronized largely by carousers or members of the underworld. Of course, a child reared in a vicious home is handicapped even when his outside environmental conditions are good. Obviously, baneful literature and shows are highly detrimental to good character formation, especially during the formative years.

Some behaviorists, however, assert that there are no born criminals—that education and environment can give a human being any desired form. This we think is a wrong viewpoint. Heredity and environment seemingly go together and cannot be separated. It would probably be more correct to say that criminals are born and made just as policemen are born and made.

## CRIMINALS IN THE MAKING

### Four Children of the Slums—

To illustrate, we shall assume that four boys of the types which comprise about seventy per cent of our criminal classes are being reared in a

congested slum section of a certain city by poverty-stricken, shiftless parents; and we shall endeavor to predict what their respective careers are likely to be. Let us identify the four suppositious boys as—

Johnny Jones, normal; Willie Smith, moron; Tommy Brown, abnormal (or, more accurately, psychopathic); and Sammy White, having a hereditary tendency to sexual perversion.

Each boy, we shall say, starts off on his journey through life when able to toddle, crawling the steps of the dirty tenement which is his home, handicapped by bad conditions difficult to surmount. In a few years, he is one of a gang of slum section boys, the playground of which is the adjacent rabble-thronged public street.

When its members are at about the age of seven, the gang endeavors to spend surplus nervous energy by playing boyish games.

If they play stick-ball, football, or similar games, they get a cuff from storekeepers whose customers they annoy and from landlords whose windows they endanger, and they are cursed by drivers of passing vehicles. If they sing or shout in the exuberance of their spirits, the nervous and irritable complain of the noise. Indeed, it is little they can do without someone's objection, or without being admonished by the harassed policeman on post.

*They Join a Gang of Disorderly Boys—*

This condition of affairs makes the youngsters resentful. They come to feel that fun and law-

breaking are inseparable; so they play the games that suit their fancy with no regard for the rights of others, but with one eye on the "cop."

At this stage, window-smashing, petty thefts from storekeepers, fights with rival gangs, and other disorderly acts are included in their pastimes, perpetrated under the lead of master spirits. Of course, the gang is a nuisance in the neighborhood and a source of annoyance to the residents; but that does not worry the boys, as each is usually more sensitive to the praise or blame of members of his gang than to that which comes from any reputable source.

The law is the law and policemen are paid to enforce it; so in the ordinary course of events the worst of the gang members are arrested and brought before the bar of justice. The judge, as a rule, suspends sentence on boys of this type for a first offense, and thereafter they are objects of the gang's hero worship.

Usually, members of a gang like this are under fifteen years of age. Many members, when old enough—especially those of the normal type—get honest employment and discontinue their gang practices. Others pursue a criminal career, but may reach adult age before they are found guilty.

The police term for such an aggregation is "a gang of disorderly boys."

### *A First Brush with the Law—*

Let us now assume that Johnny Jones, Willie Smith, Tommy Brown, and Sammy White, at the

age of fourteen, have received a suspended sentence for petty crime.

Unquestionably, its effect on each would be influenced by the factors named on Pages 68-9, and also by other factors, particularly the following analogous ones:

(a) The quality of his cerebral cortex, which governs the quality of the imagination—i. e., good, vivid, average, drab;

(b) His subsequent environment, including the kind of company he keeps;

(c) The degree of his susceptibility to suggestion;

(d) The strength of subsequent temptation to commit crime, including the force of the bad habits he has formed, in comparison with the strength of his will;

(e) The tenaciousness of the wrong ideas he has acquired, viewed in the light of his innate tendencies;

(f) The degree of intensity of his desire—if any—to reform;

(g) His general education and experience in crime up to the time he is again strongly tempted;

(h) The kind of action taken by his parents or guardians to make him mend his ways;

(i) The methods used by probation officers to supervise his behavior;

(j) His ability to find honest employment when old enough and his competence to render satisfactory service if he gets such employment;

(k) The degree of his addiction to alcohol or narcotics, if he uses either.

*Johnny Jones, Normal—*

Taking all these factors into consideration, it is obvious that Johnny Jones, being normal, would be the most likely to go straight; because normal-minded persons, such as he, have at least an average imagination and cortex, and are accordingly able to visualize the misery of being in prison. Thus they are more likely to be deterred from crime by fear of imprisonment than those with a drab imagination or a disordered cortex.

Nevertheless, all boys of the Johnny Jones type who receive a suspended sentence do not travel the right road thereafter.

Let us therefore assume that, instead of being contrite, Johnny is defiant, and chooses as companions boys as bad as or worse than himself.

He and his comrades continue their misdeeds, and their education in crime becomes more thorough. Instead of stealing apples from fruitstands, they steal lead pipes from cellars, or packages from wagons. Instead of throwing stones at other gangs, they rob other boys of their property. Instead of spending their time in the street, they usually spend it gambling in candy stores or pool-rooms.

Eventually, Johnny is again detected in wrongdoing, usually theft, and is placed under arrest. When his past record is investigated, he is considered to have formed criminal habits, so the

judge generally sends him to a reformatory to have such habits eradicated.

The four conditions mainly responsible for Johnny's downfall are—poverty, bad environment, careless parents, bad companions—and as the choice of three-quarters of these conditions are beyond his control it seems that he is as much sinned against as he is a sinner.

Had his parents been careful and his environment in other respects good, in all probability his boyhood would have been that of the average boy.

Now that he has been subjected to the stigma and the influences of the reformatory, nowever, let us assume that he continues his criminal ways into adult life. What would ordinarily be his prospects in that case?

### *Mature Criminals of Normal Type—*

The particular line of crime in which criminals of the Johnny Jones type engage is usually determined by circumstances and by their own physical and mental qualifications, comprising everything from shooting crap to robbery. The methods used by them are usually those to which they have become accustomed by habit or those which they think render them least likely to be detected.

Those who are clever, cunning, and above the average criminal in intelligence are found as crooked gamblers, pickpockets, confidence men, commercial swindlers, shoplifters, flat burglars, etc. Those with nerve are found as safe burglars,

loft burglars, automobile thieves, etc. Those who are ignorant and nervy are found as gangsters, package thieves, etc. Those who are ignorant, cowardly and immoral are found as pimps, beggars, touts, etc.

The places frequented by the above usually depend on their intelligence and the class of crime they are engaged in.

Crime not being the vocation of a normal man, the Johnny Joneses sometimes of their own accord give up their criminal careers and lead honest lives, particularly so if the police department which has jurisdiction over their behavior is diligent and competent, and hence the danger of detection is great.

*Reverting to Willie Smith, Moron—*

Before we take up the career of Willie Smith, whom we have classed as a moron, suppose we clarify our picture of mental defectives in general and Willie's special class of mental defectives—the morons—in particular.

*Classes of Mental Defectives—*

Mental defectives are classed by most scientists as follows:

1. **Idiots**—Those able to do mental tests up to the level of the normal child of two years.

2. **Imbeciles**—Those able to do mental tests performed by the normal child between the ages of two and seven years.

3. **Morons**—Those who equal the mental per-



formance of a child between the ages of seven and twelve years.

Practical people, however, have found that there are some persons who possess mental ability slightly above that of a normal child of twelve, and yet have such a lack of mental ability that they may be classed as subnormal.

### *Morons in General—*

The ancestry of a mental defective is usually tainted in some degree. Yet a moron, especially one who has no inherent antisocial tendencies and who has been reared in good environment, usually manages to earn an honest livelihood in some occupation where less than average intelligence is adequate.

A moron who has formed a criminal habit, however, has great difficulty in breaking it, because he lacks many of the main factors that aid a normal person to resist strong temptation. For instance, the cortex of a moron is not able to render critical judgment on important matters, and his imagination is qualitatively drab. As a result, when strongly tempted to commit crime he is not likely to perceive the danger of detection unless it is obvious. Neither can he imagine the misery of being in prison until he is actually there. He is accordingly less likely than the normal individual to be deterred from crime by fear of imprisonment or detection. Imprisonment does not, as a rule, reform him, because while imprisoned he is unable to visualize the many unhappy days he will have to spend there; and

when released he does not visualize the unhappy days he would have to spend in prison if again found guilty. Indeed, a criminal of this type might walk from his prison cell to the electric chair and not be greatly afraid until he was actually seated in it. The same applies to the stupid type, but not to the same degree.

Sometimes, however, a criminal of the moronic type who has been treated roughly by the police fears policemen and is deterred from crime by that fear.

#### *Willie Continues in the Wrong—*

Many of the behavior-influencing factors mentioned in this chapter would be unfavorable to Willie Smith, so it is reasonable to suppose that he would again be found guilty of crime; unless, perhaps, he left the slum section, shunned bad companions, and received great help to keep on the right road from those competent to render it. We shall assume, however, that he has been sentenced to a reformatory. His persistence in criminal or semi-criminal ways in adult life being in that event almost inevitable, let us consider the future that faces mature criminals of his mental type.

#### *Mature Moronic Criminals—*

Criminals of this type who associate with other types of criminals are usually used by them as catspaws, and may have a significant nickname, such as "Stupid," "Dopey," or "Crazy."

When operating alone or in concert with crim-

inals of their own type, they usually commit crimes that do not require much planning, such as stealing lead pipe from cellars, breaking into sidewalk stands, thefts from hallways, and the like.

Sometimes, however, especially when nerved by cocaine, marihuana, heroin, or alcohol, morons commit atrocious crimes, such as rape of children, robbery, etc. Occasionally they are used as tools by brainier criminals.

Many semi-criminal morons are bums, panhandlers, and generally shiftless characters.

*Tommy Brown, Psychopath—*

Before we resume our survey of the conduct of the third of the slum boys, Tommy Brown, it will be well to take some account of those of the mental type to which we have assigned him—the psychopaths, commonly referred to simply as “abnormal” individuals. We shall consider the criminal psychopath, since in the case of each of the slum boys we are mainly concerned with the question of whether he is apt to become a confirmed criminal.

*Traits of Psychopathic Criminals—*

A psychopathic criminal may be said to be one whose deviation from the right path is in some degree due to an abnormal mental condition not amounting to absolute insanity. The degree of abnormality is not the same in each psychopath. It ranges from the borderline of normalcy to the brink of mania. Usually, the nature of a psycho-

pathic criminal's antisocial operations are in accordance with his innate tendencies plus his acquired bad habits.

As a rule, the ancestry of this type of criminal is tainted, and he may have one or more defective endocrine glands. He does not see clearly, as civilized people do, the difference between vice and virtue nor the necessity for law and order. Therefore, when his cortex decides whether an idea is social or antisocial, its decision is likely to be irregular.

An individual of this type, especially one who is mentally far away from the normalcy borderline, may be reared in a hovel or a mansion, under good or bad environmental conditions; but in any circumstances he is likely to be antisocial in one way or another. Often his boyhood idea of future greatness is not to be a renowned soldier, cowboy, or athlete, but to be a wonderful criminal. His antisocial tendency may be dormant in his boyhood days, and it may not even break bounds before middle age; but it usually manifests itself at some stage of his life.

Psychopathic criminals, especially those of the pronounced type, are usually restless under restraint, and impulsive, cruel, passionate, adventurous, vain, and crafty to an unusual degree. Some are well educated; but obviously none are well balanced.

### *Criminal Activities of Psychopaths—*

When such a criminal is a member of a gang, he usually seeks to dominate it, and as a rule he

establishes himself as a "big shot" if he has a masterful personality plus the ability to plan and carry out enterprises by which the gang profits.

After he has once enjoyed the thrill of committing a serious crime, he continues as a rule to operate and seeks every opportunity to do so. He may be clever enough to plan and execute each crime skillfully and thereby escape detection for long periods. However, many clever psychopathic criminals are unduly egotistical or optimistic and are therefore likely to take a long chance in some criminal operation. This, of course, leads to their detection. Moreover, even very skillful criminals are trapped by modern police methods.

The crimes committed by this type of offender include the whole range of criminal practices, especially crimes which are fancied by professional criminals. Clever criminals of this mental type are found among the commercial swindlers who fleece their dupes by methods which are on the borderline of crime.

#### *Tommy Brown's Probable Deportment—*

Tommy Brown, being of the psychopathic type, would not be likely to go straight for the rest of his life after sentence was suspended on him. However, for a period of time thereafter, he might behave himself and take honest employment when old enough; but when he got employment he would probably be too restless to stick to one job. He would be apt to drift around until he

again came into conflict with the law and was sent to a reformatory or prison.

NOTE—It is said that many habitual criminals, classified as normal, are really psychopathic in some degree.

### *Criminal Cranks—*

Certain more or less antisocial cranks approach the type of the psychopathic criminal. When such a crank is subjected to military, prison, or other strict discipline, he resents the restriction of his liberty and continually clashes, as a usual thing, with those in authority. If he is frustrated in his ambition, he holds society in general responsible. As a consequence, he often becomes a fanatical hater of prominent persons and of the organized government to which he is subject.

If a crank of this type has sufficient oratorical or literary ability, he expresses his hate publicly in words, thereby gaining notoriety. This feeds his ego, and he does not, as a rule, resort to unlawful acts.

Lacking the power to gain notoriety by words, however, one of these cranks may resort to such unlawful acts as bomb-throwing in labor disputes, advocating the overthrow of the government by force or violence, assassination of a government officer, etc.

### *Sammy White, Degenerate (Sexual Pervert)—*

The fact that Sammy White has a hereditary disposition to perversion profoundly affects the probabilities in his case. To arrive at those prob-

abilities requires the intelligent survey of several lines of approach.

It is a natural instinct for an individual to have normal sexual instinct for the opposite sex from the age of puberty until the period of life when sexual appetite no longer exists. This instinct is strong in some, weak in others. Usually, its intensity begins to wane in a woman about the forty-fifth year; in a man, the period of activity ordinarily lasts much longer and may even last to a great age.

Of course, it is possible for an individual to maintain absolute continence, and it is good for an individual to comply with the moral code.

The law prohibits certain specified sexual acts, and those who commit them are guilty of crime. The law of God also provides a moral code, and those who fail to abide by it are sinners.

The sexual instinct may be manifest even in young children, especially in those with a pronounced hereditary taint.

### *Sexual Perversion—*

Sexual perversion may be said to be a pathological condition due to which the tainted individual has an instinctive tendency to satisfy his sexual desires in an unnatural way of a special kind, which he prefers to the normal way. This kind of unnatural desire is almost invariably due to hereditary taint, which generally includes defective sexual glands and may also include one or more defective endocrine glands, especially pituitary or thymus glands.

*Pseudo-Perversion—*

The perverse act does not, per se, indicate perversion. A debased individual whose sex instincts are normal may, under certain conditions, commit an unnatural sex act. For instance, a debased prisoner may commit such an act with another depraved prisoner because he has no opportunity for natural congress. An immoral man may do so in a brothel in order to avoid the danger of contracting venereal disease. A senile old man whose moral fibre is decaying may commit a perverse sexual act without realizing the gravity of his offense: a child is often the victim in such cases.

It is said that a persistent pseudo-pervert may eventually develop into almost an instinctive one.

All a person's sex ideas reach his cerebral cortex, and it decides what to do about each. The normal, moral man would have decent sex ideas in his mental storehouse, and hence his cortex would be likely to discard all wrong sex ideas that came to it. Even though alcohol weakened his will and, as a consequence, he violated the moral code, he would not be at all likely to commit a perverse sexual act.

On the other hand, the sexual pervert's cortex may be able to determine whether a sex idea is right or wrong—judged by the established moral standard—yet, if tempted to practice his own special form of perversion, his innate tendency, plus the force of habit, may, and probably often



does, overwhelm his better judgment. So he does the act, provided the opportunity is favorable.

In some cases, the desire is so unbridled that the act is committed even when the danger of detection is imminent.

Doubtless the cortex of the pseudo-pervert operates in a similar manner, except that when he struggles to resist temptation he has only to cope with the force of habit, minus innate desire. Probably, too, when he satiates his desire in an unnatural way, he feels ashamed of himself and makes up his mind not to offend again. There probably is a next time, though, unless the temptation is shunned.

### *Perverts and Society—*

Sexual perverts of one kind or another can probably be found in all classes of society and in all walks of life. Many perverts are not criminals in other respects.

Comparatively few crimes of this nature are brought to the attention of the police, as such crimes are usually committed in a secret manner, with the acquiescence of the consort. Even if it were possible to detect and punish all innate sexual perverts, their unnatural instincts would not be eradicated by penal discipline, unless they were emasculated.

Nevertheless, perversion is a dreadful curse to those of good reputation who practice it, because of the possible danger of detection with the consequent loss of liberty or reputation.

*Further Career of Sammy White—*

Sammy White, being a sexual pervert of the hereditary type, would have plenty of opportunity to indulge in immoral practices of one kind or another in his slum environment, and would probably do so before he reached the age of fifteen years. Hence, we shall assume he received a suspended sentence for an immoral act and was sent to a reformatory for a subsequent sex offense.

At this point we shall not attempt to sketch Sammy's subsequent career, but shall generalize instead regarding the crimes to which adult perverts of his stamp are liable.

*Mature Sexual Perverts—*

Sexual perverts who habitually commit other kinds of crime are likely to confine their offenses to allied crimes; e. g., dope-peddling, keeping a house of prostitution, selling obscene books and pictures, corrupting the morals of children, etc.

*Various Forms of Perversion—*

1. Sadism is the psychic element which causes one to obtain satisfaction by inflicting pain on another. The term is usually applied to sexual offenders.

Most sadists are males. Many wife-beaters, bullies, and persons who in other ways take pleasure in inflicting pain on human beings or animals, are sadists in some degree.

Sadism in its sexual aspect is often the oc-

casion of police action, as many atrocious murders and felonious assaults are committed by lust-maddened sadists. The victim may be a male or a female, and sometimes is a young child. Usually the genital organs are mutilated when a sadistic murder is committed.

It is said that the notorious Jack the Ripper, who killed and mutilated a number of prostitutes in London some decades ago, was a sadist.

2. Masochism is the opposite of sadism, as the masochist likes to be treated cruelly by his or her consort. Some like to be whipped.

A male masochist usually gets accommodated in a brothel, and a prostitute, by her pimp. This is probably the reason why a prostitute or gun moll of this type loves her bully. She sticks to him because he kicks her around.

3. Satyriasis is an insatiable sexual appetite in the male.

This type periodically revels in lasciviousness of all kinds. Usually their disorderly sexual acts bring such persons into conflict with the law.

4. Nymphomania is a morbid sexual desire in the female, being the opposite of satyriasis.

A percentage of prostitutes are of this type, which is probably the reason they practice their profession. Women otherwise respectable who are nymphomaniacs make a lot of trouble in the world, usually bringing disgrace to themselves and their families, especially if they are married.

5. Fetishism is sexual desire aroused by a part of the body of the female other than her sex organs, or by some part of her clothing.

Usually the female—especially if she is a prostitute—is acquiescent, and so the offense is not brought to the attention of the police.

Some fetishists acquire their special fetish by theft. For instance, a fetishist may steal an article of women's wear from a clothesline, cut off a lock of a woman's hair while she is in a crowd, steal a glove from a woman's apartment, or obtain from females in other ways the article which is his fetish.

There are fetishists who fancy silk, fur, velvet, etc., even when the article does not belong to any female, and they may even commit burglary to obtain it.

Police investigating small thefts of the foregoing kinds should keep these facts in mind.

6. Exhibitionism, mostly affecting males, is a propensity to seek sexual satisfaction by exposing the private parts of one's body promiscuously, especially to those of the opposite sex.

Perverts of this type often operate in the vicinity of public comfort stations, schools, and factories. Occasionally they expose themselves at a window of their residence.

It must be realized, though, that a senile old man may expose his private person in a public place without any sex motive, not realizing that he is doing wrong.

7. Homosexuality is the desire for sexual congress with a person of the same sex.

Male perverts of this type often seek their prey in public comfort stations and parks. They often prey on young men of the vagrant type.

Sometimes the prey extorts money from the pervert under threat of exposure or robs him by force.

Homosexual perverts, when their advances were repulsed, have been known to frame up a criminal charge against the one who repulsed them, especially if such a one threatened to complain to the police.

Some of these perverts ape the actions and dress of the opposite sex.

They may become infatuated with the object of their lust, and kill or injure him or her, if their jealousy is aroused.

They are found in all walks of life.

8. Hypersexuality is a condition usually due to organic or constitutional sexual inferiority.

A crowd is the favorite hunting ground of males suffering from this form of neurosis, especially crowded subway or elevated trains. Such a person pushes against a woman's body in such a manner that she thinks his action is due to the crush, and therefore she usually finds no good reason to take offense or complain to the police. Policewomen often ride in trains during rush hours for the purpose of detecting such offenders.

9. Defilement is an aberration in which sexual satisfaction is obtained by polluting or soiling the person or clothing of the object of lust.

Some male defilers throw ink, mud, acid, etc., on a woman's clothing while she is in a crowd in a public place; e. g., a busy thoroughfare or crowded subway. Usually the victim thinks the

act was done by some enemy, and tells the police so.

10. Sodomy, as classified in the penal law, includes a number of prohibited vile acts, including pederasty.

Sodomy is more common among the depraved in prisons and brothels than elsewhere. Homosexuals usually practice it. Although all who commit sodomy are depraved, many of those who do so are only pseudo-perverts.

11. Necrophilia is the most horrible form of sodomy; but it is not a common form.

### **Conditions Confronting the Four Slum Boys in the Reformatory—**

We shall now assume that our four boys from the slums—Johnny Jones, normal; Willie Smith, moron; Tommy Brown, abnormal or psychopathic; and Sammy White, with a hereditary tendency to sexual perversion—have entered a reformatory at the age of sixteen and will be there from one to five years, depending on their behavior.

Assuming that there were one thousand juvenile criminals in the reformatory, it is reasonable to suppose that they would be almost entirely composed of the following types:

- (a) Normal;
- (b) Stupid;
- (c) Pronounced morons;
- (d) Pathological sexual perverts;
- (e) Pseudo sexual perverts;
- (f) Psychopaths of marked character;

(g) Diverse types; i. e., a mixture of two or more of the above groups.

Obviously, when criminals enter a penal institution they bring with them not only their hereditary characteristics and tendencies, but also the bad ideas which they have acquired and their sexual instincts—natural or otherwise.

The principal object of a reformatory is to eradicate wrong ideas and inculcate good ideas and habits, so that when an inmate is released he will be a law-abiding citizen.

The reformation of each individual would be a complex problem in itself, even if it were possible.

Reformatory guards, as a rule, are not psychologists. But, generally speaking, they are intelligent, conscientious, hard-working, and underpaid. Doubtless their main object in choosing that kind of work is to earn an honest livelihood. Therefore, they try to hold their jobs by doing their best to make the inmates comply with the reformatory rules and by teaching inmates, when so assigned, the rudiments of some trade or calling which is supposed to help them to earn an honest living when released.

Probably, however, many of the inmates—especially those not normal-minded—think that they are being punished unjustly by society for breaking the law and feel embittered.

Nevertheless, outward order—interrupted occasionally by disorderly outbreaks—is maintained in the average reformatory, and a casual visitor is impressed by the seemingly effective methods of reformatories. But this outward order is com-

parable to the lid of a cauldron in which a conglomeration of iniquities is seething.

Even if all the officers were sagacious and vigilant, it would be impossible for them to correct all the conditions that are detrimental to reformation.

It stands to reason that moral contamination and evil intercourse exist in some degree in every penal institution where criminals of all types are herded together in close proximity behind a barrier for a considerable period of time.

Certainly, neither adolescents nor adults leave their sexual desires outside the gate of a penal institution when they enter it to serve their terms. Men at liberty who desire to maintain absolute continence can shun the company of immoral persons and choose pastimes and activities that will aid them to bridle their sexual desires. Moreover, men outside who desire to violate the moral code do not have to resort to unnatural practices. Generally speaking, the contrary is the case with prisoners.

It would be unreasonable to suppose that all of the males of the types above mentioned would maintain absolute continence during their whole terms of imprisonment. However, it would be unjust to assume that even a considerable proportion would indulge in such unnatural sex practices. Nevertheless, unnatural sexual desires are seemingly fostered by the conditions of life in a penal institution, and obviously such practices are detrimental to the reformation of those who indulge in them.



Oscar Wilde, while a convict in an English prison, wrote "The Ballad of Reading Gaol." The following lines from it are very significant:

Each hidden cell in which we dwell  
Is a dark and foul latrine;  
And all but lust is turned to dust  
In humanity's machine.

Furthermore, supervision, no matter how close, cannot prevent skillful criminals from teaching their methods to those less adept; nor can it prevent those who desire to continue their criminal practices from forming combinations while in prison with the object of acting in concert with each other in the perpetration of crimes when released.

Indeed, many inmates who intend to continue in their criminal careers endeavor to gain their freedom on parole as quickly as possible by complying outwardly with prison regulations, using cunning to gain all legitimate and illegitimate immunities. Outwardly, they are model prisoners, so to speak.

Master spirits with bullying tendencies find ample opportunity to bully in the average penal institution, and, as a consequence, some weaklings who have not the ability to fight for their rights leave the reformatory or prison broken in spirit. Some of these bullies are upheld by satellites, and the resultant gangs, as a rule, are responsible for the organized disorder which occasionally manifests itself in most penal institutions. Some of these so-called "ups" are shrewd enough to curry

favor with the officers by aiding them to maintain outward order, when it suits their purpose.

Crimes of violence, such as clubbing and stabbing, occasionally occur in most penal institutions, as do thefts. Of course, those caught in wrongdoing are punished, but it is not always possible to detect those guilty, especially of sex offenses. Furthermore, some convicts are not deterred by punishment.

All in all, the environmental conditions in a penal institution—especially in regard to bad companions—are seemingly no better than that which prevails in slum sections. Indeed, broadly speaking, when a criminal is discharged from the average prison or reformatory there are likely to be more wrong ideas in his mental storehouse than when he entered it. If he does behave himself in future, it is usually either through fear of being again sent to prison for a long term or because the behavior-influencing factors hereinbefore mentioned are favorable to him.

Of the types mentioned, Johnny Jones would be the most likely to keep on the right path and the Tommy Brown type, the least likely.

The reformation of a criminal of the diverse type would depend on the degree of his abnormality. Some of these diverse types may be said to have a dual personality. When such a criminal's malignant personality predominates, he may not be able to resist its compelling force. Pyromaniacs, kleptomaniacs, and most other periodical offenders are said to be of this type.

## How a Policeman Should Deal with Boys—

A policeman should, of course, do all in his power to aid any ex-convict, especially a youthful one, who shows by his actions that he is making a determined effort to reform. But prevention is better than cure. Therefore, policemen, in dealing with boys—especially those handicapped by their heredity or environment, should use great patience and tact, always remembering that the stain of arrest on a child's reputation may hamper his success in life, perhaps be the cause of his leading a life of crime. A child should not be arrested for a petty violation until every other reasonable means has been used to correct the condition. The patrolman should endeavor to impress the children on his post with the fact that he is their friend and protector. He should take proper police action if he finds a child—

1. Who is destitute, abandoned, improperly exposed, or neglected; or without a home or proper guardianship.

2. Who is over seven and under sixteen years of age and (a) who commits any act or omission which is a crime; (b) who is incorrigible, ungovernable, habitually truant, or habitually disobedient of his parents, guardian, or other lawful custodian; (c) who without just cause and without the consent of his parent or other lawful custodian deserts his home or other lawful place of abode; (d) who begs or solicits alms in public places; (e) who associates with immoral or vicious

persons, or frequents any place which is maintained in violation of law; (f) who habitually conducts himself in a manner that endangers his own or any other person's health or morals.

*Crime Prevention—*

The juvenile aid or crime prevention bureau of a police department can render valuable service along the above lines by taking measures to procure adequate social treatment for juvenile delinquents and wayward minors, and by closely observing all places where the morals of minors are likely to be corrupted, such as badly supervised poolrooms, motion picture houses, dance halls, etc.

Appropriate action should, of course, be taken against every person who contributes to the delinquency of minors.

## CHAPTER VI

### MODUS OPERANDI OF CRIMINALS

USE of the term “modus operandi” (Latin for “method[s] of operating”) became common among police with the general adoption of the modus operandi system of identifying criminals with their crimes—a technique which is discussed elsewhere in this book. Suffice it to state at this point that the M. O. system of identification codifies all the steps which constitute the criminal’s methods of perpetrating his criminal specialty and all the evidences of his individuality. Here, however, we have a broader concern with M. O.

The types of criminals discussed in this chapter especially tend to exhibit a characteristic modus operandi.

### GANGSTERS

One who joins a gang of lawbreakers usually does so for one or all of the following reasons:

1. The established traditions of that gang suit his fancy.
2. He has friends in the gang and wants to associate with them.

3. He feels that membership in the gang will gain him prestige in the underworld.

4. He expects to make easy money by being a member.

5. He believes that it is safer for him to commit crime while acting in concert with others than while alone.

6. The gang "has something on him" and forces him to join it by putting him in fear of injury.

### **A Gang of Hoodlums—**

The members of a gang of this kind are usually between fourteen and twenty-one years of age and are recruited largely from the disorderly boy gangs in the locality. Its meeting place is usually a street corner, a vacant lot, or occasionally a vacant store or basement. Its general offenses may be classified as disorderly conduct. But sometimes members operating in small groups or alone rob intoxicated men, burglarize small stores, assault others, etc.

### *Suppressing Hoodlums—*

When a gang of this kind makes its "hang out" on a street corner or elsewhere on a policeman's post, it indicates that the policeman is not very efficient. Some policemen think that they are doing good police work if they chase the gang off the street corner each time they make their rounds; but, when the gang continues to return after the policeman has passed, chasing them is

wasted effort. The most effective weapon against such hoodlums is the law of arrest; also — and perhaps more so — the “law” at the end of the police club.

Sometimes hard-working, respectable young men loiter on street corners after their day's work because they cannot afford to go elsewhere. Policemen should, of course, be very tolerant in dealing with such persons.

### **A Gang of General Thieves—**

The number of criminals in a gang of general thieves usually depends on its criminal object, its prestige in the underworld and its exclusiveness. An average gang of this kind usually consists of the following:

(a) Boys between the ages of fourteen and seventeen years;

(b) Young men between the ages of sixteen and twenty-one; or

(c) Men and boys between sixteen and thirty.

A gang such as the one first above mentioned is usually largely recruited from disorderly boy gangs.

The membership of the second and the third above mentioned groups usually consist of:

(a) Those who were formerly members of disorderly boy or hoodlum gangs;

(b) Those who become acquainted with members of the gang in prison and were induced by them to join;

(c) Bad characters from other cities;

(d) Bad characters of foreign birth.

A gang of general thieves may be well organized, and have a chieftain. Many of such gangs, however, have no particular organizations or leadership, and the members simply "hang out" together for mutual benefit. A gang may have its meeting place in the rooms of a club or an association controlled by it, but its meeting place may be a pool-room, coffee-house, speakeasy, etc.

The members of such a gang usually commit the common forms of larceny, but sometimes the gang specializes in some particular kind of crime. A gang of pickpockets, automobile thieves, burglars, wagon thieves, robbers, or the like, is usually recruited from a general-thieves gang. When such a gang is controlled by gangsters of foreign birth or race, its members are likely to be largely of the same race as the leaders.

The members of a gang of this kind often try to avoid contact with the law by not operating on the police post where the gang has its meeting place. The patrolman on such a post, however, should remember that he is a unit in a police team and that, although the gang may not operate on his post, they will operate on some other "cop's" post. Therefore, if there be such a gang "hanging out" on your post, harass its members at every opportunity. Impart to your side partners and detectives any information you are able to gather in respect to them; arrest them when you



can lawfully do so; and do not forget that you carry a club.

### **Racketeers—**

A band of present-day racketeers may be defined as “a gang of conspirators who control a particular trade, business, industry, or service by force, threats or intimidations, or by interfering or threatening to interfere with the tools, instruments, or property belonging to or used by another.”

Most of the important, up-to-date racket gangs have as an adjunct—

- (a) A “strong arm“ gang leader;
- (b) An unscrupulous lawyer;
- (c) A corrupt politician.

Many of the modern rackets either have been developed by bootleggers or are patterned on rackets developed by them.

### *General Methods of Racketeers—*

1. A band of wholesale dealers in a particular line of merchandise, being ambitious to control the sale of their product in a certain territory and feeling powerful enough to do so, combine for that purpose.

2. Each member of the band is allotted a certain portion of such territory, and all agree not to charge less than a specified price for their goods.

3. They then engage the services of a “strong

arm" gang leader, and he and his gang are at their command.

4. They may also—and often do—pay a retainer to an unscrupulous lawyer to guide them in their business activities, and may have a corrupt politician on their pay roll to aid them if they conflict with the law.

5. The retail dealers in such merchandise in each such territory are then ordered to buy from the "big shot" to whom the territory has been allotted.

6. Discipline is administered by the gang to—

(a) Any outside wholesale dealer of such merchandise who invades the gang's territory;

(b) Retail merchants who refuse to buy their merchandise from the gang;

(c) Any of the conspirators who break the rules of the combination.

The punishment inflicted usually depends on the gravity of the offense. It may be frightening, clubbing, knifing, shooting, bombing or even killing. Placing "stink balls" in stores where the proprietor refuses to obey orders is common.

Many of the thousands of gangs that control trades, service, etc., throughout the United States do so by using tactics similar to the above.

### *Operations of a Laundry Racket—*

To illustrate, we shall assume that a band of racketeers is ambitious to control the wet-collar laundry business in a certain territory:

1. They first induce a few prominent wet-collar laundry proprietors to join in the racket by promising them a share of the profits and better prices for their laundry service.

2. Then, with the aid of an unscrupulous lawyer, they incorporate or form an association and call themselves, we shall say, "The Wet-Collar Laundry Proprietors Association." They so frame the by-laws of the association that they retain perpetual control of it.

3. Next they retain the services of a gang leader, who keeps under cover. Canvassers are then sent to the laundry proprietors, and as many as possible are induced to join the association through the promise of better prices, less competition, etc.

4. Laundry proprietors who refuse to join or who are antagonistic to the association are disciplined by the gang leader or members of the gang. The punishment inflicted is similar to that above-described for recalcitrant dealers. It usually increases the membership rapidly.

5. The association then sets the minimum price that customers must be charged for laundry service. The price charged for laundry service includes the percentage which is exacted by the racketeers for their services. Those proprietors who fail to comply with such regulations are disciplined. A person who endeavors to start a new laundry business in the territory controlled by the association or who endeavors to do business there without being a member of the association

is driven out of business by the "strong arm" gang.

*Operating a Building Racket—*

To illustrate again, we shall assume that the gang desires to control dealers in a certain kind of building material:

1. They organize the dealers in the manner above described.

2. They get the labor leader of the workers' union which handles that kind of material to join in their conspiracy secretly.

3. Either they use compulsion by the "strong arm" gang leader to force builders to use such material, or the labor leader calls strikes with such object.

4. "Strong arm" gangsters operate against dealers in such material who refuse to join the racketeer's association.

*"Muscling In"—*

Again, assuming that they desire to control a labor union of some kind but that the leader of such union will not join them:

1. They organize an independent union of such workers.

2. When numerically strong enough, they call a strike in the place where non-union workers or members of the old union are employed.

3. They use the services of the "strong arm" gang to win the strike.

4. After gaining control of the workers in a particular trade or calling, they may force the employers of that kind of labor to join an association controlled by them or to pay tribute for protection.

Some of these racketeers are ignorant rough-necks, but many of the so-called "big shots" are smart crooks resembling men of the world rather than "gorillas." A "big shot," when it suits his purpose, deals in wholesale bribery. He may be engaged in many rackets at the same time, from manipulating a labor union to the numbers game.

*"Strong Arm" Racket Gangs—*

An average gang of this kind is usually composed of young men between seventeen and thirty years of age. Its size usually depends on the kind of criminal practices in which it specializes. The majority of its members usually have criminal records. Its leaders and officers are often brainy and clever, but its rank and file usually are of the hoodlum type, many of whom are savages in mind and character. Narcotic addicts are usually among the members of such a gang. Some of these gangsters are killers by choice, and do not hesitate to take employment to "bump off" a person for pay or to put a rival gangster "on the spot." There are "lone wolf" gangsters who only take special assignments to kill or bomb, being specialists in their line, so to speak.

"Strong arm" gangsters, in addition to their

criminal practices in the service of racketeers usually profit by —

- (a) Acting as bodyguards for persons engaged in unlawful businesses;
- (b) Extorting money from persons engaged in unlawful businesses;
- (c) Selling tickets for fake benevolent purposes to business people;
- (d) Selling their services to both sides in a labor dispute;
- (e) Engaging in hi-jacking enterprises.

*Advice to Patrolmen on Post  
Regarding "Strong Arm" Gangs—*

Keep in mind that those who live by the "strong arm" should be made to feel the weight of the "strong arm" of the law, including that "law" carried at the end of a patrolman's club. Do not permit gangsters to "hang out" on your post.

Endeavor to gain the confidence of business people or other persons on your post who are victimized by gangsters and ascertain from them the facts of the matter. Report the facts to your commanding officer and take any other police action warranted by the circumstances.

Remember that a gangster carries a gun or other dangerous weapon—at least while operating—and that when he is not carrying it he has it elsewhere. The weapons of all the members of a gang are sometimes kept in the same place. The custodian may be a friendly storekeeper, pool-room keeper, proprietor of a tavern or a garage

owner. An unused and locked car in a garage patronized by a gang is considered to be a safe and handy cache for their weapons. Dangerous weapons and other contraband are often found in the homes or "hang-outs" of criminals, hidden in the following places: cached in rear yard or cellar, in water-tank on roof, in flush-tank of toilet, in bag attached to clothesline hanging outside a window, in window sash, in specially prepared rack under a bedspring or furniture, up a chimney, under a loose floor-board, in a mattress, etc.

If you receive information that gangsters are employed by either side in a labor dispute, inform their employer of his responsibility in the matter and request him to discharge them. If he fails to do so, inform your commanding officer and take any other police action justified by the circumstances.

Remember that gangsters who intend to operate against a person often lie in ambush for him near his home, place of business, or haunt. They may use a parked car for the purpose.

Also keep in mind that gangsters who intend to bomb a premise may place the bomb in its hallway or throw it from an automobile in which they are riding.

### **When Bombs Are Encountered—**

Be extremely careful in handling any bomb or bombshell that comes into your possession in the line of your duty. Many bombs are exploded by

a mechanical device that functions when the container of the bomb is opened or the bomb is roughly handled. Placing a bomb in a pail of water is usually a good precaution to take, but sometimes a bomb contains chemicals that are ignited by contact with water. Therefore, except in cases of emergency, it is best to let an expert handle and safeguard a bomb that you find on your post. If, however, you find a bomb with a lighted fuse in a place where its explosion would endanger life or property, it is your duty to extinguish the fuse. The safest way to do this is to pull the fuse out of the bomb or cut it off where it enters the bomb. Some fuses have a core, and, even when the burning end of the fuse is extinguished, the core carries the fire to the bomb and explodes it. Do not under any conditions carry a bomb in a public vehicle.

X-ray examination of a package reveals whether or not it contains a bomb.

#### *Patrolman's Action in Bombing Cases—*

Take the following general action when a premise on your post is bombed:

1. Notify desk officer of occurrence and request him to send detectives; also other assistance, if necessary.

2. Arrest perpetrator, if possible; otherwise obtain best possible description of him and have an alarm broadcast.

3. Send fire alarm, if necessary, from nearest fire box.



4. Establish fire or police lines, as the case may be, and allow no unauthorized person within such lines.

5. Secure all evidence possible, particularly fragments of the bomb and the thing, if any, in which it was carried to the scene. Safeguard fingerprints and mark any evidence found at the scene.

6. Get medical attention for any person injured.

7. If the bombing caused the building to be unsafe, see that the condition is safeguarded until corrected.

8. Get names and addresses of witnesses and make a full report of all facts to the desk officer. Cooperate with the detectives handling the case.

NOTE—In New York City an emergency service unit goes to the scene of such a crime, as do radio patrol cars in the vicinity.

## BURGLARS

A burglar, as a rule, specializes in some particular branch of burglary; so burglars may be classified as (a) loft burglars; (b) safe burglars; (c) store burglars; (d) flat burglars; (e) private house burglars.

### How Loft Burglars Operate—

Loft burglars generally are skillful, daring professional criminals who play for high stakes and calculate risks, profits, and methods of efficiency before each job.

A gang of from three to five usually acts in concert. One is the "finder." His or her job is to find a loft where furs, silk, silverware, or other valuable merchandise is stored or kept which can be burglarized without much danger of detection.

The "finder" usually gains entrance to the prospective premises by falsely representing himself to be a salesman, customer, insurance agent, or inspector for a public-service corporation, etc. While on the premises, he surreptitiously inspects any burglar-alarm device that may be installed there; notes where the most valuable stock is stored; and observes keenly the manner in which windows, doors or other openings leading into the premises are secured. After he leaves the premises, he observes how such openings are secured on the outside, including those leading from the hallway, if any. He also notes the approaches to the premises from the street and rear yard and from the roofs of adjoining premises. He learns by discreet inquiries whether any watchmen are employed in the building or those adjacent to it; the time the building is usually closed at night and opened in the morning; and the location of any vacant loft in the building.

Sometimes he obtains this information by "pumping" a gossipy janitor, engineer, or other employee. He occasionally manages to bribe an employee to leave a door or window open. In some cases the finder is an employee of the victim. Occasionally, a corrupt night watchman who has acted in concert with burglars endeavors to direct

suspicion from himself by permitting the burglars to tie him up or otherwise manhandle him.

After the "finder" has secured the required advance information, he drafts a rough plan of the premises and its surroundings and reports the facts to his confederates. The gang then considers the risks and profits and decides for or against the enterprise. If they decide to take the chance, the members of the gang make a general observation of the outside of the building and its surroundings, including the length of the police post in which it is located and the location of the police signal box on such post. One of the gang usually observes the patrol habits of the respective patrolmen assigned to such post and the time each usually signals from the box. They may abandon the project if they find that the patrolmen regularly assigned to that post are alert and dangerous; but they usually commit the burglary if the post is a long one or the premises are so situated that even an alert patrolman would not be likely to detect them in the act.

### *How the Premises Are Entered—*

Loft burglars usually gain entrance to the premises in which they operate in one of the following ways:

1. Prior to the burglary, they hire a vacant loft in the building, preferably just above or below the loft where they intend to operate. Then, when the building is closed for the night, they gain entrance by breaking from such loft through

the intervening floor or ceiling, as the case may be. Or they may hire a vacant loft on the same floor in an adjoining building and break through the dividing wall; or

2. One hides in the building before it is closed for the night, and, when the "coast is clear," opens a door or a window for his confederates to enter; or

3. They break into the hallway of the building through an outer door or window, and from the hallway break into the particular premises; or

4. They break directly into the premises from the rear yard or street. When they gain entrance by breaking a padlock on a street door, the lookout substitutes another padlock after his confederates are inside. This is done to deceive the patrolman on post when he examines that door.

### *Precautions to Prevent Detection—*

1. They usually break into the premises while the patrolman on post is at his signal box or at the part of his post furthest from them or while he is off post.

2. One of them acts as a lookout from the commencement to the conclusion of the burglary. He posts himself usually either in a doorway of a premise on the opposite side of the street, the roof of the opposite building, or on a fixed point on the opposite sidewalk. He is kept under observation by one of those on the inside. When he thinks that danger is nigh, he makes a prearranged signal. The signal may be the lighting or

the extinguishing of a cigar, leaving his fixed post, etc. Those inside, seeing his signal, put out any light they may have lit and keep very quiet until he signals that the danger has past. But if his signal indicates that the danger is imminent, they flee from the premises by a prearranged "get-away." If the premises are so situated that the lookout cannot take post so as to be seen by those inside, he may post himself on the roof of the building where they are operating and maintain contact with them by signaling with a weighted cord which extends from his post to the premises they are burglarizing.

3. They usually wear gloves when operating, and so leave no fingerprints. Prior to the burglary, they may cache their burglar's tools on or near the building where they are to operate and abandon them therein after the operation. They do this to lessen the danger of being caught with burglar's tools.

### *Removing the Stolen Goods—*

1. The goods may be hidden in the burglarized building with the connivance of an employee until it is safe to remove them, or may be hidden in a loft in the building that the burglars have rented; or

2. The goods may be removed through the rear yard to the street in the rear and then be taken away in a vehicle. Sometimes the goods are removed through the rear yard to a nearby

apartment or other place previously hired for that purpose; or

3. The goods may be piled just inside the street door until the arrival of the vehicle in which they are to be removed. Either the vehicle arrives at a prearranged time or it is telephoned for from the premises. It is loaded in a jiffy and is driven either directly to a fence or to a "drop" used by the burglars for the storage of their plunder. Sometimes the goods are removed in the early morning just before the time that the building is usually opened. This is done to make onlookers think that the loading is being done in the ordinary course of business. The vehicle used may be an automobile with a very deep body or an ordinary delivery wagon on which there is a fictitious business advertisement.

### *Unusual Modus Operandi—*

A very daring class of loft burglars has been operating in recent years in the following manner:

They select in advance some loft or store in which valuable merchandise is kept, preferably on the first or the second floor. They come to the scene in an automobile at or about the time that early morning workers enter the premises. When the outer door has been opened they rush into the hallway, break through a door or a window into the premises where the valuable merchandise is stored, grab armfuls of it, throw it into their automobile and drive off. They work so fast that

they often make their get-away even when there is a burglar alarm on the premises.

### **Safe Burglars—**

The modus operandi of safe burglars is similar to that of loft burglars. They usually operate in stores or offices in which a large sum of money is likely to be kept in the safe after banking hours and often operate on a Saturday night or a Sunday morning. They usually steal only money or other property not likely to be identified if they are caught with the goods. A skillful safe burglar can break open almost any safe either with safe-opening tools, explosives or an acetylene torch. Before operating on a store safe, they may move it to a rear room and place a decoy safe where it stood, in order to deceive the patrolman on post. If they operate in the store, they may extinguish any light which was shining on the safe and light one in another part of the store. This also is done to fool the patrolman.

### *Their Modus Operandi—*

The following are the methods most commonly used by safe burglars:

1. A hole is made with an electric drill in the upper left-hand corner of the safe. Then the point of a sectional jimmy (called a "can-opener") is inserted in the hole and the front steel plate is ripped off.

2. The dial of the safe is knocked off with a sledgehammer. Then the spindle is punched back

with a center-punch and mallet, breaking the small sockets and releasing the lock.

3. A hole is drilled over the dial of the safe and a little to the left of it. Then nitrogen-saturated cotton is put around a fulminate cap, which is inserted in the hole. All crevices are then covered with soap or the like. A connecting wire is run from the fulminate cap to a battery or other electrical device, and the detonator is set off. Dynamite is sometimes used instead of nitroglycerine. It is usually inserted in the hole in the finger of a glove.

4. The safe is turned upside down and the bottom or back chopped out.

5. The dial and spindle are broken and forced with a device called a "drag." This method is practically obsolete.

6. An expert using an actylene torch burns a hole in the steel of the safe. This apparatus includes a gas tank, the burner, and a quantity of hose. Hence this method is not commonly used as the risk of getting the equipment to the premises is comparatively great.

7. When a safe is unlawfully opened by using its combination, it is usually an inside job done by someone who had an opportunity to learn the combination; but the possibility that a sneak thief, while searching drawers on the premises, might have accidentally found the combination should not be overlooked in the investigation. It should also be remembered that the person responsible sometimes forgets to lock the safe.



### Store Burglars—

Generally speaking, store burglars may be divided into two classes, viz.:

1. Those who operate only in stores where very valuable merchandise is kept in stock, such as jewelry, silks, woolens, clothing. The *modus operandi* is similar to that described for loft burglars. But the lookout may post himself near the store while his confederates are operating therein, and, on the approach of danger, he passes by the store window and signals to those inside.

2. Burglars who operate in small stores such as candy, cigar or grocery stores or in cellars, vacant houses or sidewalk stands—usually adventurous youths between twelve and twenty years of age, many of whom are morons. They usually break into the store from the rear yard, hallway or cellar, or they may climb through the transom over the front door. They usually steal only the contents of the cash register and goods which they can carry away concealed in their clothing. They operate, as a rule, in the locality where they reside or “hang out.”

### Store-Window Burglars—

The average store-window burglar is of the stupid type, between sixteen and thirty years of age. Many of them are narcotic addicts. This type of burglar usually strolls about the streets at night until he finds a store window where clothing or other merchandise that suits his fancy is displayed. He then loiters nearby until he feels

that the "coast is clear" and there is a train or a noisy vehicle passing. Then he breaks the store window with a missile, grabs anything that he can lay his hands on and goes off with it. When the noise he made in smashing the window attracts the attention of a policeman or other person, he does not take anything from the window, but usually endeavors to make his escape through a nearby hallway and over the roofs or through the rear yards.

There are some very daring store-window burglars who crash the windows only of stores where very valuable merchandise is displayed at night. They pick out a store beforehand. Then they come to the scene in an automobile and drive about in it until the "coast is clear." They then crash the window, grab the loot, throw it into the automobile, and drive off. They operate even in stores protected by watchmen.

### **Flat Burglars—**

Flat burglars are usually young men between sixteen and thirty years of age. They usually operate either in pairs or alone and between 1 P.M. and 5 P.M. When one of these burglars is operating alone, he strolls about until he finds some evidence that the occupant of a flat is out, such as drawn window shades. He enters the vestibule of the apartment he selects and operates the push button of an apartment bell. When the occupant operates the mechanism and unlocks the door, he pushes the door slightly open but does

not enter. The person who unlocked the door, after waiting for a while, concludes that a mistake had been made, and usually pays no further attention to the matter. The burglar then rings the bell of the selected apartment. If there be no response, he climbs the stairs and knocks at its door. If anyone is in, he gives some excuse for knocking and either tries another door or leaves the house. But, if no one responds, he jimmies the door or uses false keys to open it. On entering the apartment, he bundles up any loot that suits his fancy. He may take the loot to his residence and sort it before disposing of it, but he may take it directly to a pawnbroker or a fence.

Flat burglars when working in pairs operate in a similar way, except that one may remain on lookout in the vestibule of the apartment. The lookout usually places an addressed envelope containing advertising matter in the vestibule letter-box of the person in whose flat his partner is operating. When she returns while the burglary is being committed, she of course reveals her identity to the lookout by taking the letter from her letter-box. After she enters the house, he signals to his partner by pushing the bell button in the vestibule. His partner, on hearing the signal, decamps from the apartment with the loot and walks nonchalantly downstairs, passing his victim on her way up.

There is a very dangerous class of flat burglars which operates after midnight. A burglar of this kind usually climbs the fire-escape to the selected

apartment and enters through a window while its occupants are asleep. He usually takes only money or unidentifiable property.

Sometimes a flat burglar gains entrance to a premises by falsely representing himself to be a city inspector, an employee of a public-service corporation, a mechanic sent by the landlord to do repairs, etc. This gains him the opportunity to go through the apartment, and while doing so, he adroitly purloins any small articles of value in sight.

### **Private House Burglars—**

A private house burglar sometimes operates while the family is in the dining-room at its evening meal and the servants are downstairs. He gains entrance usually by opening a window in the rear of the premises or by climbing up the front porch and then entering through a window. Burglars of this kind also operate in private houses at night while the family is asleep and also in houses which are closed while the family is away.

### **Advice to Patrolmen on Combatting Burglary on Post—**

1. Endeavor to learn the location of every business place where there is a safe that can be seen from the street; also of every premises in which silks, furs, jewelry, or other expensive merchandise which would be likely to attract high-class burglars is manufactured, stored, sold, or kept.

2. Inform yourself of the time stores or other places where valuable merchandise is handled are usually closed at night and opened in the morning, and by whom. Investigate when you observe them open or closed at an unusual time.

3. Familiarize yourself with the location of the safe, cash register, and valuable stock in each store; also the position of the lights habitually left burning at night.

4. Familiarize yourself with the kind of lock used to secure the street doors of stores and other premises where valuable merchandise is handled. When such a place is closed — particularly at night—try the street door lock frequently. If the door is secured by a padlock or hanging lock, turn the lock on your first visit in such a way that, if it has been tampered with while you were making your rounds, you will discover it on your next visit. On each visit, carefully examine windows and observe conditions in the interior of the premises. Be particular to note whether the safe, or cash register, if there is one, or the valuable stock therein has been tampered with and whether the lights appear in the same manner. If there be a lone night watchman employed in any premises in which burglars would be likely to operate, arrange with him to show himself or signal to you at specified hours during the night. Such an arrangement will enable you to discover the fact quickly if burglars overcome him. Carefully investigate—especially at night—every suspicious person, particularly one —

1. Whose actions indicate that he is a lookout or is seeking the opportunity to commit crime;

2. Who is carrying a package or a satchel through the street, or from a business premises after closing time, or into a pawnshop or into a premises occupied by a known fence;

3. Who is in charge of a suspicious vehicle, especially such as an automobile parked with its engine running; a vehicle that is being loaded late at night or early in the morning; one whose passengers look like gangsters; or a closed commercial vehicle on which the name of no known business firm is displayed.

### *How to Investigate—*

The manner in which you should investigate a suspicious person or vehicle should, of course, be based on the circumstances of the case, but, as a general rule, you should proceed as follows:

1. Frisk a suspect before questioning him, especially at night;

2. Question him as to his name, address, occupation, and object in being where you found him, etc. Then cross-examine him on his answers and check up on his statements, if practical. For instance, assuming that you suspect that he has lied to you in respect to his name or address, have him give you the name of some friend or business man in the locality where he claims to reside who has a telephone. Then telephone to that person and verify his statement, or communicate with

the police station nearest to that address and request that a policeman be sent to investigate.

When investigating the driver of a suspicious automobile or other vehicle, cross-examine him as to the ownership of the car, as to the garage in which it is kept, its license, motor numbers, etc. Also cross-examine any passengers that may be in the car and keep them apart while doing so.

If a suspect is in possession of a package, valise or other thing in which there may be stolen goods, have him accurately describe its contents before he opens it. This he will not as a rule be able to do if the goods are the proceeds of a theft. If your suspicion is not removed by your investigation, take any other police action warranted by the circumstances.

Exercise great vigilance while making an investigation of this kind, as a guilty suspect may assault you to effect his escape. When there is more than one suspect, it is best for you to get assistance before proceeding with an investigation.

### *Burglars in a Building—*

When you suspect that there are burglars operating in a building, summon assistance quietly. But, if you feel that the burglars have observed you and may flee before assistance arrives, rap or whistle for assistance and keep the premises covered until it arrives. In case it is not possible for you to prevent their escape by covering the premises, break into it with drawn gun and en-

deavor to effect their capture. When the burglars have made their escape from the premises and it is suspected that they have taken cover in some adjacent building, a thorough search should be made of all buildings where they may have hidden. Police should be posted in front and rear of such buildings until the search has been made. A systematic search should be made of a building where burglars are supposed to be hiding. The lights should be turned on while the search is being made; otherwise one searcher may imagine that another is a burglar and shoot him. The proprietor of a premises where a burglary has occurred should be forthwith notified to come to the scene and secure the premises. The policeman on post should make a full report of the facts to his commanding officer and secure the burglarized premises if its occupant fails to do so.

## ROBBERS

Judging by the records of persons arrested for robbery in recent years, the following would be a description of the average present-day robber:

He is a man between seventeen and twenty-five years of age; has only a common-school education; was born in the United States of foreign stock; was reared in a tenement section of a city; was first employed after leaving school as a mechanic's apprentice, a delivery boy, a driver, or an unskilled laborer; lost one job after another through indifference and laziness; started to rob because



he wanted the pleasures that money can buy and believed that robbery was the quickest and easiest way to obtain money; resides in a cheap hotel or furnished-room house; consorts with women of easy virtue; and spends his ill-gotten gains in dives, night clubs, and poolrooms.

The fact that a robber arms himself with a dangerous weapon and starts out to plunder people shows that he is ferocious and deficient in imagination. If he had average imagination, he would realize that the chances of his being ultimately caught are almost positive and that conviction would put him behind prison bars for many years.

A robber rarely operates alone. From two to five usually act in concert while operating. A gang usually specializes in operating against a certain class of persons.

### **Typical Victims of Robbers—**

The classes of persons who are oftenest attacked by robbers are the following:

(a) Messengers returning from banks with money for large payrolls or carrying large sums of money from their employer's place of business to a bank;

(b) Paymasters while making up or distributing payrolls;

(c) Prosperous-looking persons who are intoxicated in a public place;

(d) Persons who carelessly display large sums of money in "joints;"

(e) Persons in charge of jewelry stores where only one or two clerks are employed (Robbers usually operate in such places just after the store is opened for business in the morning or just before it is closed at night.);

(f) Persons engaged in gambling games where large sums of money are displayed;

(g) Ticket-sellers in booths in front of places of amusement where a large volume of business is done;

(h) Clerks in chain stores where only a few clerks are employed;

(i) Persons who wear expensive jewelry or display other evidence of wealth in night clubs or cabarets—particularly those who associate therein with persons unknown to them;

(j) Rent collectors in "tough" neighborhoods;

(k) Jewelry salesmen who carry their stock on their person;

(l) Persons in charge of gasoline stations.

### **The M. O. of Robbers—**

Robbers who operate against paymasters or bank messengers usually endeavor to get advance information in respect to them. They obtain it, as a rule, by personal observation or by establishing friendly relations with an employee or former employee of the firm.

Sometimes the robber posts himself in a bank under pretense of doing business therein while his confederates remain outside in its vicinity. When he observes a messenger drawing a large sum of

money, he leaves the bank and informs his companions. They trail the messenger to his place of employment and observe whether or not he takes precautions to safeguard the money, and note the route he takes.

If he is very careless, they may attack him on the way or when he enters the hallway of his employer's place of business. But, if he is accompanied by an escort or takes other measures for self-protection, they may either abandon the idea or make plans to waylay him at a future time. If the messenger rides in an automobile while carrying the money, they do likewise and may have a car parked near the bank for such purpose. They take similar action in operating against a messenger taking money from his employer's place of business to a bank.

In operating against a paymaster, they usually ascertain the time the payroll is delivered. After it is once in the hands of the paymaster, they slip into the premises, hold up the paymaster and all who are in his office at the point of guns, and carry off the cash. They leave the scene usually in an automobile which has been parked nearby with its engine running and with a confederate at the wheel ready to start off. The car may be one that they stole a short time prior to the robbery for the purpose of committing it. In that case they usually have their own car parked in the locality, and, after leaving the scene, abandon the stolen car and use their own to go to their destination. Occasionally they go to and leave

the scene of their operation in a taxicab driven by a confederate. When they use their own car while committing a robbery, they display fictitious license plates on it and change such plates soon after leaving the scene. They may rent a car for the occasion and abandon it after escaping from the scene.

Robbers of the moron type usually operate on foot. They generally rob clerks in small stores or intoxicated men. Occasionally they rob a girl messenger taking money to or from the bank. Many of this type are drug or alcohol addicts, and are likely to use a gun or other weapon on their victims.

### **Prevention of Robbery—**

Superior officers of police organizations who are charged with the duty of preventing robbery in a certain territory usually take precautions to prevent robbers from operating successfully therein. The following police action is often taken by a captain of a precinct with that object:

#### *Protecting Payrolls—*

A policeman interviews the paymaster of every firm in his precinct which has a large payroll and ascertains the following particulars from him:

(a) The particular day and the time of the day that the messenger goes to the bank for the payroll, the time he returns with it to the premises, and the route he takes in returning.

(b) The time the payroll is distributed to the employees and the place on the premises where it is distributed.

(c) The manner in which the money is safeguarded while it is in the possession of the messenger and while it is being distributed.

With these facts before him, the superior officer concerned takes any police action that he deems to be necessary.

### *The Usual Police Action—*

1. When the danger of robbery is great, a policeman is assigned to accompany the messenger to and from the bank and to remain in the premises or just outside of them while the payroll is being distributed;

2. If the danger is not great, the patrolman on post arranges to meet the messenger at the boundary of his post when he is returning from the bank. Then he escorts the messenger on the route to the premises, and remains either on the premises or just outside of them and pays special attention to them while the payroll is being distributed. All other patrolmen over whose posts the messenger travels on his way from the bank are instructed to pay particular attention to him;

3. The patrolman on post is instructed to be in the vicinity of the premises when the messenger returns from the bank and pay particular attention to the premises while the payroll is being distributed.

When the superior officer does not deem it nec-

essary to give special police protection to paymasters or messengers, he usually sees that they are advised as to the precautions which they should take to safeguard the money. The advice given depends, of course, upon the hazard involved in each case, but in most cases the following advice usually suffices.

*Advice for Messengers or Other  
Persons Carrying Large Sums of Money—*

1. Before stepping out of a bank or other premise with money, make a careful observation to see whether there be any suspicious person or vehicle in the vicinity, and, if so, telephone the facts from the premise to the police and remain therein until a policeman arrives or your suspicion proves to be unfounded.

2. Before employing a public hack that you find standing in front of the premises from which you are taking the money, make sure that it is not a trap set for you. When you ride in a public hack, be sure to take its number and its driver's license number.

3. While carrying the money through the streets, make frequent observation to see whether you are being trailed by any suspicious person. If you think you are, notify the nearest policeman or telephone the police from the nearest available telephone and be guided by the advice you receive.

4. Keep near the curb while walking along the sidewalk; do not make any unnecessary stops; do

not enter crowds; do not carry the money conspicuously or in any manner that would make it easy for another to snatch it from you; travel over prominent thoroughfares when practical, as they are likely to be best policed.

5. Do not enter the hallway or the elevator of a building where a robber would have a good opportunity to waylay you unless you are accompanied by a policeman or other trustworthy guard.

6. Carry a firearm for protection if you have a lawful right to do so.

7. If you are attacked by a robber notify the police as soon as possible and give a description of your assailant.

#### *Advice to Paymasters—*

1. Immediately notify the police if you see suspicious persons or vehicles near the premises before the delivery of the payroll or during its distribution.

2. When the payroll is brought to the premises by the messenger, put it in a safe in a locked room and keep it there until you are ready to prepare it for distribution.

3. Have a burglar alarm installed in the room where you distribute the payroll and operate it on the slightest suspicion of danger.

4. While the payroll is in the premises, station a guard at the outside door with instructions to keep all suspicious persons from entering and to give the alarm if any force entrance.

5. Get a permit for and keep a gun at hand while handling the payroll.

6. Employ none in handling the payroll whose characters have not been investigated and found to be excellent.

*General Advice to Patrolman on Post —*

1. Know, if practical, all messengers who habitually carry large sums of money between banks and their employers' places of business on your post and pay particular attention to them while they are on your post.

2. Inform yourself as to the time that large payrolls are distributed in places of business on your post and pay special attention to such places during such times.

3. Make frequent inspections in the vicinity of any bank that may be on your post to see whether there be any suspicious persons or vehicles near it.

4. Investigate all suspicious persons or vehicles that you observe anywhere on your post.

5. Pay particular attention to all business places on your post likely to be attacked by robbers, especially those in which only one or two clerks are employed.

*Police Action in \*Bank Robbery Cases—*

Comparatively few bank robberies occur in well-policed large cities. In urban communities where there are few banks, it is well to have

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\*Federal Law on Bank Robbery — The following is taken from Title 12, U. S. Code:



plans prepared beforehand as to the specific action which should be taken when information is received that a bank therein is being or has just been robbed.

Generally, on approaching a bank that is being robbed, police should keep a sharp lookout for the "get-away" car, and capture the bandits, if

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**Section 588b. Robbery of Bank; Assault in Committing or Attempting to Commit Bank Robbery.**

(a) Whoever, by force and violence, or by putting in fear, feloniously takes, or feloniously attempts to take, from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank; or whoever shall enter or attempt to enter any bank, or any building used in whole or in part as a bank, with intent to commit in such bank or building, or part thereof, so used, any felony or larceny, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both; or whoever shall take and carry away, with intent to steal or purloin, any property or money or any other thing of value exceeding \$50 belonging to, or in the care, custody, control, management, or possession of any bank, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both; or whoever shall take and carry away, with intent to steal or purloin, any property or money or any other thing of value not exceeding \$50 belonging to, or in the care, custody, control, management, or possession of any bank, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) Whoever, in committing or in attempting to commit, any offense defined in subsection (a) of this section, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined not less than \$1,000 nor more than \$10,000 or imprisoned not less than five years nor more than twenty-five years, or both.

possible, keeping in mind that they are probably armed and that the use of extreme force in capturing them is justifiable.

If the robbers are in the bank, all exits from it should be covered, also doors and roofs adjoining it. Officers should enter the bank with drawn guns and, if necessary, use tear-gas grenades. Machine-guns and shotguns may be used outside the bank by the police, but not inside it, as a rule.

If the robbers have made their "get-away" from the scene, all highways likely to be used by them should be covered by a prearranged plan—also trains, buses, and other public conveyances likely to be used by them. Alarms should be broadcast in accordance with regulations.

## PICKPOCKETS

Pickpockets usually operate in "mobs" of two, three, or four. The most skillful of the "mob" is the "tool"—he does the actual picking. The others are "stalls" and their job is to help the "tool."

They generally operate as follows:

Standing apart in a crowd, they watch for a likely victim. Having selected a victim, they close in. One "stall" gets in front of him and the others get behind him. As the victim pushes forward to board the car, enter the theatre, etc., the "stall" in front pushes back and the one in the rear pushes forward in a manner that seems to be due to the crush. The victim's mind is dis-

tracted by the pushing, and, at the psychological moment, the "tool" dips into the victim's pocket, removes his valuables, passes the "swag" to a "stall," and all start nonchalantly away. Occasionally they "sting" several victims before decamping.

Sometimes the method followed in pushcart markets is:

A woman shopper who is carrying an easily opened handbag is selected as the victim. One of the pickpockets passes her and adroitly opens the clasp; the other then passes, dips into the bag, and takes any money that is in it.

"Lush worker," "patch pocket worker," "toilet worker," and "fob worker" are some of the other names given to a pickpocket, in accordance with his specialty.

#### *Advice to Patrolmen on Post—*

If you see suspicious persons in a crowd who keep moving about in it or who loiter at street-car stops, theatre entrances, etc., they may be pickpockets; so keep them under observation. If you see them pushing and jostling people, make an immediate investigation. Take precautions to prevent them from dropping any "swag" they may have obtained. If your investigation justifies your suspicion, ask those in the crowd whether they have lost any valuables. Then take any further action justified by the circumstances.

Known pickpockets pushing and jostling in a

crowd should be immediately arrested. Notify the precinct detectives if you observe pickpockets frequenting your post.

## WAGON AND PACKAGE THIEVES

Wagon and package thieves usually operate against—

(a) Drivers of delivery wagons who are transporting valuable merchandise through the streets and are alone on the wagon;

(b) Messenger boys who are carrying valuable merchandise, such as silks or woollens, from their employers' places of business to customers;

(c) Merchants who pile valuable packages on the sidewalks prior to loading them in a vehicle.

### Methods of These Thieves—

1. Thieves of this class sometimes work in collusion with the drivers who supply information as to the day on which they will be carting a valuable load of merchandise of the kind the crooks particularly desire and the route they will take. At some predetermined spot the wagon is left unattended and the thieves are given an opportunity to jump on the truck and drive off.

2. A dishonest truckman may disclose the route to be taken by another driver with a particularly desirable load.

3. Wagon thieves sometimes have one of their gang scouting around the wholesale sections of a

city to watch the loading of trucks. When he finds a wagon being loaded with goods of the kind they are after, he copies the name and address of the consignee. Having this information in its possession, the gang knows the route over which the wagon is likely to be driven. They follow it until a good opportunity presents itself to steal the outfit. Sometimes they kidnap the driver and hold him until the load is under cover. Sometimes the stolen wagon is driven directly to the "fence" or to the place where they store the goods before disposing of them to the receiver, but usually they transfer the merchandise to a truck of their own in a location where such transfer will not be considered unusual. The thieves realize that the police are promptly notified and given a description of the wagon and property; so, as soon as they possibly can, they abandon the wagon.

4. Another scheme used by wagon thieves is to back a covered wagon—generally containing two men in the rear—directly behind a loaded vehicle. When in position, the men in the rear reach out and steal packages and cases from the loaded vehicle.

5. Considerable property is stolen by thieves who, under one pretence or another, climb or jump on the tail of a loaded wagon and drop packages from it to the street, the packages being picked up by confederates.

### **Police Action to Prevent Wagon and Package Thefts—**

1. Investigate immediately if you see any suspicious persons either on foot or in a vehicle who are trailing a wagon containing valuable merchandise.

2. Inform the drivers who garage their wagons on your post as to how wagon thieves operate. Also inform the shipping clerks in the business places on your post where wagons are used to transport valuable merchandise.

3. Warn drivers of the danger of their action if you see them leaving wagons containing valuable merchandise unguarded while they are making deliveries.

### **Package Thieves Who Prey on Boys—**

The package thief who victimizes boys, on observing a delivery boy carrying a package through the street, slips up alongside of him and furtively observes the label on the package, noting the consignor's and consignee's names and addresses. Then he hurries to the place where it is to be delivered, and, as the boy approaches, rushes up to him, represents himself to be employed by the firm to which the package is addressed, states that the firm is in a hurry for it, scolds the boy for being tardy, signs for the package, takes it from the boy, and directs him to return to the firm for another package that has been ordered and which is wanted in a hurry. As a rule, the action con-

fuses the boy, and, before he has time to collect his wits, the thief is off with the package.

Another method is that the thief accosts the boy and asks him to deliver a letter to some fictitious person in a nearby premises, gives him a plausible reason for the request and also gives him a piece of money for doing so. Then, if the boy starts off, he offers to hold the package until the boy's return. If the boy gives it to him, he decamps with it.

Package thieves who specialize in stealing packages which have been piled on the sidewalk prior to shipment usually operate during the rush hours of business.

A "mob" of from three to five usually operate together, and may use a small delivery wagon or an automobile in their operations.

They scout around until they observe a pile of small packages on the sidewalk which is not well safeguarded. Then they form in single file and walk along the sidewalk, and, when passing the pile, the front and rear files act as a screen for those in the middle files, and the latter adroitly pick up a few packages. The stolen packages are then hurriedly thrown into the wagon or the automobile which the thieves are using, and they drive off to seek another pile; and so on until they are satisfied with their loot for the day.

### Advice to Patrolman on Post—

When the place of business of a merchant who employs delivery boys is on your post, you should

inform the shipping clerk as to how package thieves operate and advise him to transmit such information to the boys, and also inform merchants who carelessly leave valuable packages on the sidewalk.

If you observe any suspicious person accosting a delivery boy, investigate immediately.

If package or wagon thieves frequently operate on your post, you should familiarize yourself with the photographs of any that are in the "rogues' gallery" of your department. This will enable you to pick them up if you observe them operating.

## RECEIVERS OF STOLEN GOODS

### Federal Law (Title 18, U. S. Code)—

Section 409. Larceny, etc., of Goods in Interstate or Foreign Commerce; Penalty. Whoever shall unlawfully break the seal of any railroad car containing interstate or foreign shipments of freight or express, or shall enter any such car with intent in either case to commit larceny therein; or whoever shall steal or unlawfully take, carry away, or conceal, or by fraud or deception obtain from any railroad car, station house, platform, depot, wagon, automobile, truck, or other vehicles, or from any steamboat, vessel, or wharf, with intent to convert to his own use any goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment of freight or express, or shall buy or receive or have in his possession any such goods or chattels, knowing the same to have been stolen; or whoever shall steal or shall unlawfully take, carry away, or by fraud or deception obtain with intent to convert to his own use any baggage which shall have come into the possession of any common carrier for transportation from one State or Territory or the District of Columbia to another State or Territory or the



District of Columbia or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, or shall break into, steal, take, carry away, or conceal any of the contents of such baggage, or shall buy, receive, or have in his possession any such baggage or any article therefrom of whatever nature, knowing the same to have been stolen, or whoever shall steal or shall unlawfully take by any fraudulent device, scheme, or game, from any passenger car, sleeping car, or dining car, or from any passenger or from the possession of any passenger while on or in such passenger car, sleeping car, or dining car, when such car is a part of a train moving from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, any money, baggage, goods, or chattels, or who shall buy, receive, or have in his possession any such money, baggage, goods, or chattels, knowing the same to have been stolen, shall in each case be fined not more than \$5,000 or imprisoned not more than ten years, or both, and prosecutions therefor may be instituted in any district wherein the crime shall have been committed or in which the defendant may have taken or been in possession of the said money, baggage, goods, or chattels. The carrying or transporting of any such money, freight, express, baggage, goods, or chattels from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties above described for unlawful taking, and prosecutions therefor may be instituted in any district into which such money, freight, express, baggage, goods, or chattels shall have been removed or into which they shall have been brought by such offender. The words "station house," "platform," "depot," "wagon," "automobile," "truck," or "other vehicle," as used in this section, shall include any station house, platform, depot, wagon, automobile,

truck, or other vehicle of any person, firm, association, or corporation having in his or its custody therein or thereon any freight, express, goods, chattels, shipments, or baggage moving as or which are a part of or which constitute an interstate or foreign shipment.

U. S. Code, Section 415. **Transportation of stolen or feloniously taken goods, securities, or money.** Whoever shall transport or cause to be transported in interstate or foreign commerce any goods, wares, or merchandise, securities, or money, of the value of \$5,000 or more theretofore stolen or taken feloniously by fraud or with intent to steal or purloin, knowing the same to have been so stolen or taken, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than ten years, or both. (May 22, 1934, c. 333, § 3, 48 Stat. 794.)

### **Classes of Receivers—**

Generally speaking, receivers of stolen goods may be divided into the following classes:

1. Those who buy from only "top-notch" criminals and handle only property of large value. This class sometimes operates through an agent, occasionally finances criminals in an operation and may even induce criminals to steal the kind of goods for which the "fence" has a market.

2. "Fences" who buy all kinds of property when they feel safe in doing so.

3. Pawnbrokers who take goods in pledge knowing that they have been stolen. Those who do so usually endeavor to cover up their tracks by making deceptive records in their books as to the description of the article and the amount loaned on it.

4. Second-hand dealers who buy goods known to them to be stolen for much less than their value. Such dealers usually either fail to record the purchase on their books or make a false record in respect to the amount paid and the name of the seller.

5. Keepers of low taverns, night clubs, cabarets, pool-rooms and "joints" who buy stolen jewelry from their customers.

6. Dishonest merchants who buy goods of the kind they deal in for less than market value knowing or suspecting that they have been stolen.

7. A person may be classified as a border-line receiver who, although otherwise honest, incidentally and knowingly buys some article at a bargain for his own use from the thief who has stolen it.

Professional "fences," particularly the "top-notch" ones, usually endeavor to destroy any identification marks that are on stolen property that comes into their profession. With this object, they may re-dye silks and woolens, remove merchandise from its original containers, change the settings of jewelry, melt articles made of gold or silver, and so on. They may dispose of the goods in the town or the city where stolen or ship them somewhere else for sale. The goods are often sold at auction sales but may be sold over the counter of the "fence" or of his accomplice.

### Action to Combat—

In order to convict a person for criminally receiving stolen goods, sufficient evidence must be

offered to prove that the accused, knowing the goods to be stolen, either—

- (a) Bought or received them;
- (b) Corruptly withheld or aided in withholding them from the true owner;
- (c) Corruptly concealed or aided in concealing them.

*Examples of Presumptive Evidence—*

Generally speaking, it is difficult for you while in uniform to gather sufficient evidence to convict a receiver of stolen goods unless you catch him in the act of receiving and the thief “squeals” on him. But, if you get presumptive evidence, you would be justified in making an arrest, and then you could gather additional evidence aided by the detective force, if necessary. The following are examples of presumptive evidence on which an arrest could be lawfully made and perhaps a conviction obtained:

(a) Brown is found carrying bundle or dress suit case containing property which has recently been stolen.

(b) Brown is found in possession of automobile which has been stolen from Smith. The color and the license number were changed since it came into his possession.

(c) Brown is found in possession of property stolen from Smith after being questioned relative to the property and denying having knowledge of it.

(d) Brown is found in possession of stolen property and the amount which he paid for it is greatly less than its apparent value.

(e) Brown is found unlawfully in possession of property which has been stolen from various persons.

(f) Brown is found in possession of stolen property which he purchased from young children.

(g) Brown, a lawyer, representing persons who have Smith's stolen property in their possession, asks Smith for a reward for the return of this property.

(h) Stolen property is found in Brown's store, a known rendezvous for thieves.

In New York State and most other states, special laws have been enacted to prevent junk and second-hand dealers, etc., from buying property of certain kinds which has been stolen from public-service corporations, etc. The New York State law on the matter is as follows:

1. A junk dealer or a second-hand dealer, or his agent, employee or representative, is guilty of criminally receiving stolen goods who buys or receives, without making diligent inquiry as to the lawful right of the seller to make the sale; any:

Wire, cable, copper, lead, solder, iron or brass, used by or belonging to a railroad, telephone, gas, or electric-light company.

Any metal in the form of ingots, ingot bars, wire bars, cakes, slabs, billets, or pigs.

2. A dealer or collector of second-hand books or other literary material, or his agent or repre-

sentative, who buys or receives any book, map, chart, or other literary material belonging to, or bearing any mark of ownership of, a public library, or an incorporated library, college, or university, without ascertaining by diligent inquiry that the person selling or delivering same has a legal right to do so, is guilty of knowingly receiving stolen goods.

3. A person, who, being a dealer in or collector of any merchandise, or his agent or representative, buys or receives any stolen property without making reasonable inquiry as to whether the person selling or delivering it to him has a legal right to do so, is presumed to be guilty of knowingly receiving stolen goods. But such presumption may be rebutted by proof.

#### *Advice to Patrolman on Post—*

When you suspect that a “fence” is operating on your post, inform the detective force of the facts and take any other police action warranted by the circumstances.

If any of the following places of business are on your post, you should pay particular attention to them and investigate anything about them that excites your suspicion:

- (a) Pawnbrokers' sales stores;
- (b) Junk shops, pawn or loan offices, and second-hand dealers;
- (c) Jewelry exchanges;
- (d) Suspicious-looking jewelry repair shops;
- (e) Old-clothes markets;

(f) Auction sales stores, particularly where new merchandise is frequently sold at bargain prices ;

(g) Stores where new goods are often sold at less than the market value, particularly places where there are frequent fire or bankruptcy sales ;

(h) Automobile repair shops ;

(i) Storage warehouses which are frequented by suspicious persons and in which free inspection by the police is safeguarded against.

NOTE—There are in many cities trustworthy agencies that cooperate with the police in locating certain kinds of stolen property. For example, the Fur Dyers Association maintain a record of the identification marks put on raw furs. The Jewelers Alliance and the Silk Association are likewise helpful.

## CHAPTER VII

### LAWS RELATING TO PUBLIC MORALS

**L**AWS relating to public morals which mainly concern a police department are those designed to combat prostitution, gambling, and the narcotic traffic.

#### PROSTITUTION

Prostitution is an ancient evil, and today, as in the past, it would be difficult to find a community all of whose members were in accord in respect to the methods that should be used to eradicate it. Consequently, the laws on the matter are seemingly scattered, inconsistent, and chaotic. All decent people and communities, however, will probably agree that pimps, panderers, and all others who knowingly share in the earnings of a prostitute are far more despicable than is the prostitute herself.

#### The Prostitute—

A prostitute is a woman who practices indiscriminate lewdness for hire.

A large percent of prostitutes are in type either stupid, moronic, or otherwise defective. Many



suffer from venereal disease and are a serious menace to society.

### Classes of Prostitutes—

Prostitutes may be broadly classified as (a) “street walkers,” (b) inmates of disorderly houses, (c) “call girls,” who work in connection with “appointment houses,” (d) “badgers,” and (e) “creepers.”

#### *“Street Walkers”*—

The prostitute who is not employed in a particular disorderly or “appointment” house usually solicits at a railway station, hotel lobby, cabaret, public dance hall, low saloon, or night club, or on the public street. This class often bring their customers to semi-respectable hotels or to furnished room and furnished apartment houses. Occasionally they use automobiles.

A policeman can lawfully arrest a “street walker” under the following conditions:

- (a) If she solicits him;
- (b) If she solicits a person in his presence and hearing;
- (c) If he knows that she has been previously convicted of prostitution and he sees her accosting men on the street and apparently soliciting them;
- (d) If he observes her accosting several men and apparently soliciting them; if he questions her on the matter and receives unsatisfactory answers; and if he therefore orders her to

leave his post and she does so but soon returns and again commits such acts;

(e) If a person whom she has solicited arrests her, gives her into the policeman's custody, and is willing to make a charge of solicitation.

NOTE—In regard to paragraphs (c) and (d) above, the policeman should be able to testify that he had observed the prostitute's actions for about ten minutes at least.

### *Disorderly Houses; Advice to Patrolman—*

It would be difficult for you while in uniform to obtain evidence sufficient to convict persons who violate the law relating to public morals behind closed doors. Therefore, when you suspect that a premises is being used for this purpose, you should gather as much of the following information relative to it as possible and make a written report on the matter to your commanding officer, also an oral report to your patrol supervisor:

- (a) Location and kind of building;
- (b) Name and address of owner and agent of building;
- (c) Nature of violation (give particulars);
- (d) Time violations usually occur;
- (e) Particular part of the building where violations occur;
- (f) Name of manager or operator of suspected premises;
- (g) Information which might be used to obtain evidence, such as passwords, signals, introduction cards, etc.;

- (h) Names and addresses of persons who would be likely to give valuable information;
- (i) Other valuable information.

### *Obtaining Evidence*

#### *Against a House of Prostitution—*

1. The policeman assigned to such duty should endeavor to learn the password, countersign, etc., used by the patrons of such a place, and by use thereof he should obtain admission to the premises. On entering he should endeavor to secure evidence against the madam or other keeper by asking for a particular girl, or by bargaining with her on the price to be paid to the girl selected. The policeman should not solicit the girl he selects or commit an act of sexual intercourse with her.

2. When sufficient evidence is obtained, the prostitute who offered her private person and the keeper of the disorderly house may be arrested without a warrant, or the evidence may be presented to a magistrate and a warrant requested.

3. If the magistrate issues a warrant, the premises should be entered, the warrant executed and any known prostitutes found on such premises, as well as those for whom the warrant had been issued, should be arrested.

The character of an alleged disorderly house may be proved by—

- (a) The testimony of witnesses to bad conduct therein;

- (b) Its general reputation in the locality;
- (c) The bad character of its frequenters.

*“Appointment Houses”*—

Prostitutes who work through “appointment houses” are usually registered in them, and their photographs are exhibited therein; but they do not reside on the premises. The customer usually telephones beforehand that he wants a girl of a particular type to meet him in the “appointment house” or elsewhere; and the madam communicates with the one likely to suit the customer.

Tapping the telephone wire leading to an “appointment house” is one way of obtaining evidence against its keeper.

*“Badgers”*—

The “badger game” is treated in Chapter X, Pages 262-3.

*“Creepers”*—

Prostitutes of this class specialize in stealing from their customers. They usually work in bands of five or six and employ a pimp in their operations.

After a “creeper” has obtained a customer, she takes him by a roundabout route to her temporary residence, which is usually located in a good neighborhood. There he is induced to deposit his outer garments in a special place. Then, while his attention is otherwise engaged, the confederate of the prostitute either creeps from under the bed or slides a panel near the spot

where the victim's clothes are hung and steals any valuables that are in them.

Usually, substitution is made for articles stolen. For instance, a roll of paper may be put in the pocket from which a roll of bills was taken, so that the victim is not likely to miss his property should he give himself a superficial search before leaving the premises.

After the victim leaves, the furnishings of the apartment are shifted about, so that he would not be able to identify the place if he should return. After operating, the prostitute moves elsewhere for the time being, and the apartment is occupied by a confederate until danger of detection is deemed to be no longer great.

### **Federal Law on Prostitution—**

The federal law on prostitution is, in the main, as follows:

#### **White Slave Traffic (U. S. Code)—**

**Section 398. White-Slave Traffic; Transportation of Woman or Girl for Immoral Purposes, or Procuring Ticket.** Any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of

the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding \$5,000, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court.

Section 399. Same; inducing transportation for immoral purposes. Any person who shall knowingly persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing, or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any Territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than \$5,000, or by imprisonment or a term not exceeding

five years or by both such fine and imprisonment, in the discretion of the court.

NOTE—Most of the states have compulsory prostitution laws patterned on the above federal laws.

## UNLAWFUL GAMBLING

The laws relating to gambling are seemingly not at all uniform throughout the United States. Moreover, the interpretation of gambling laws is, in many cases, seemingly inconsistent with the language of the statutes on the subject. Of course, it is the duty of the police to enforce such laws.

### Police Action Against Gambling—

A policeman assigned to get evidence against gamblers should remember that many professional gamblers, particularly those who are members of the underworld, are “sure thing” gamblers whose motto is “Never give the sucker an even break.”

“Sure thing” gamblers fleece “gulls” with crooked slot machines, roulette wheels, percentage wheels, keno outfits, or other crooked paraphernalia or methods. Those who operate with marked cards or crooked dice are the most formidable, as with the use of these things a fraudulent game can be started practically anywhere.

### *Advice to Patrolman on Post—*

It is incumbent on the patrolman on post to keep in mind that unlawful horse-race betting, or unlawful card games, dice games, wheel games, etc., are often carried on in places operating un-

der a club charter, and also in private houses, vacant lofts, upper floors of garages, and like places. Indeed, gambling should be suspected whenever the nature of the business carried on in such a place is suspicious and free inspection by the police is not allowed by the person in charge of the premises, especially so when the premises are frequented by known gamblers.

Policy games, operation of slot machines, "hand-book" betting, and lottery games are usually conducted in cigar stores, candy stores, cheap restaurants, taverns, barber shops, newsstands, and other similar places.

It is difficult for a patrolman in uniform to get evidence of gambling violations. When you have direct evidence, you may arrest the offenders. But, generally speaking, it is best for you to gather all information possible and report to your commanding officer, so that plain-clothes patrolmen shall be assigned to handle the case.

### *Obtaining Evidence*

#### *Against a Gambling House—*

The policeman assigned to the investigation of a gambling house should proceed as follows:

1. Gain entrance by the most practical method. Forming the acquaintance of a gambler who frequents the premises and being introduced by him is sometimes possible; or entrance may be gained by learning the password, etc.

2. When in the premises, observe the persons



participating in and conducting the game, and note their actions in respect to the game.

3. Engage those conducting the game, or otherwise abetting it, in conversation in respect to it, and note their remarks.

4. Make a memorandum of what you heard and saw in relation to the game while on the premises, also of the descriptions of those conducting the game or aiding in doing so.

5. If practical, enter the premises on a subsequent date in company with another officer so that the latter will also hear and see what is going on and be able to give evidence on the matter.

6. On making an arrest seize all things used in conducting the game, such as roulette wheels, faro layout, racing charts, pay slips, crap tables, dice, etc.

## NARCOTIC CASES

A policeman who is specially assigned to enforce the laws relating to narcotic drugs should have a thorough knowledge of these laws and the police procedure in respect to them.

Every policeman should have at least sufficient knowledge to enable him to detect the kinds of violations that are likely to come to his notice in the performance of his duty.

### The Narcotic Drugs—

A narcotic is a drug that relieves pain, produces torpor or sleep, and, in large doses, causes coma and even death. (Common underworld terms

for narcotics in general are "junk," "smack," and "stuff.")

The following are narcotic drugs:

(a) **Coca leaves**—the leaves of the coca plant, grown principally in Peru and Java (It contains cocaine) ;

(b) **Cocaine**—a drug derived from the leaves of the coca plant;

Cocaine has a bitter taste and a cooling effect on the tissues. Addicts usually sniff it or take it hypodermically. They call it "snow," "C," "happy dust," "sleigh ride," "coke."

(c) **Opium**—the dried juice of the capsules of the white poppy ;

It is a brownish, gummy substance similar in appearance to thick molasses. Addicts usually smoke it in an opium pipe. They call it "mud" or "pin yen." The opium pipe is called "yen Chiang" and the dipper "yen hock." A "toy" is a small tin box for specially prepared opium.

(d) **Codeine**—a narcotic obtained from opium, but not commonly used by addicts ;

(e) **Morphine**—a derivative of opium:

It is a fine, white powder, which packs like snow and has a bitter taste. It is often put up in small tablets and in cubes. Addicts usually inject it with a hypodermic syringe into their legs, arms, or abdomen.

(f) **Heroin**—a derivative of morphine ;

Heroin is a coarse, white powder, and has a bitter taste. Addicts call it "H" or "scat." They take it hypodermically, sniff it, or take it through

the mouth. The manufacture and importation of this drug is now prohibited in the United States.

(g) **Laudanum**—another opium derivative:

This drug is a dark brown liquid. Addicts take it to allay pain or induce sleep.

(h) **Yen shee**—the name given by Chinese to the cake that forms in the bowl of the used opium pipe (Addicts drink it in wine);

(i) **Marihuana**—a narcotic extracted from a species of hemp.

Addicts smoke marihuana, or chew it. (Marihuana cigarettes are called “reefers” or “goof butts.”)

NOTE—*Hashish* is practically the same kind of narcotic as marihuana. It is also extracted from hemp. (*Cannabis indica* and *cannabis sativa* are the technical names.) Both are under one head in the federal narcotic law.

### *A Curse and a Menace—*

Addiction to any of the foregoing drugs is commonly accompanied by physical and moral degeneration, and it very often leads to criminal conduct. (See “Marihuana,” below.)

Opium smoking is said to be the least harmful form of narcotic addiction.

### *U. S. Narcotic Laws—*

The federal narcotic laws deal with all the narcotics mentioned above and their derivatives. These laws are voluminous and somewhat technical; so, for the sake of brevity, we give in the appendix the substance of the provisions that are

likely to come to the notice of a policeman in the performance of his duty.

*Marihuana*—

Marihuana is probably a greater incentive to crime than any of the other narcotics.

Someone has said that, even though a person while under influence of marihuana may want to be an angel, he usually becomes a powerful beast for the time being, especially if he has latent criminal tendencies. This is particularly true in regard to sex crimes. The same applies to other narcotics, especially cocaine and heroin, though probably not to such an extent.

Marihuana produces pronounced suggestability, and it is said that a person, while under its influence, is no longer master of himself and can therefore easily be induced to commit crime.

According to Dr. Moreau, the psychic action of hashish consists of:

(a) A feeling of happiness, the characteristic state of euphoria;

(b) Intellectual excitement, dissociation of ideas, and exaggeration of sensations;

(c) Errors in time and space;

(d) Intensified auditory sensibility;

(e) Fixation of ideas; these usually have a suggestive origin due to the influence of the outside world;

(f) Over-excitation of sensations; emotional disturbances during which the addict loses the power to control his emotions and may com-



GROWING MARIHUANA—The plant four weeks after sprouting. Note that opposite pairs of leaves are almost at right angles to one another. From "Marihuana, Its Identification" (U. S. Bureau of Narcotics)



A MARIHUANA LEAF (pressed and dried)—Note serration and vein structure. From "Marihuana, Its Identification" (U. S. Bureau of Narcotics)

mit acts of violence. While this dangerous phenomenon is present, the evil instincts come to the surface;

(g) Irresistible impulses, always of a suggestive origin, which may lead to suicide;

(h) Numerous illusions and hallucinations; whatever the addict imagines becomes clearly visible to him.

Dr. Moreau divides hashish intoxication into four periods—

One of nervous excitation; one of hallucination and mental instability; one of ecstasy and profound repose; and one of sleep, which terminates the intoxication.

This narcotic is very popular in the underworld. A certain percentage of the marihuana addicts are adolescents who probably do not realize that marihuana is a milestone on the road to ruin.

*Chloral, Ether, Chloroform, etc.*—

There are some drugs used by addicts that are not derived from coca leaves, opium, or “cannabis sativa L.” Such are, for instance:

(a) Chloral—a narcotic obtained by the action of chlorine on alcohol, which—because of its use by criminals to stupefy prospective victims—is called “knockout drops” in the underworld;

(b) Ether—an anesthetic occasionally used by addicts or by criminals to induce insensibility;

(c) Chloroform — an anesthetic occasionally used by criminals on their victims.

*Miscellaneous Provisions of Law*  
(*New York State*)—

In New York State, neither chloral, ether, nor chloroform is included in the Public Health (Narcotic) Law; but the provisions of the Penal Law in regard to having narcotics or anesthetics in possession are as follows:

**Having narcotics in possession.** 1. A person, other than a duly licensed physician or surgeon engaged in the lawful practice of his profession, who has in his possession any narcotic or anaesthetic substance, compound or preparation, capable of producing stupor or unconsciousness, with intent to administer the same or cause the same to be administered to another, without the latter's consent, unless by direction of a duly licensed physician, is guilty of a felony, punishable by imprisonment in the state prison for not more than ten years.

2. The possession by any person, other than as exempted in the foregoing subdivision, of any such narcotic or anaesthetic substance or compound, concealed or furtively carried on the person, is presumptive evidence of an intent to administer the same or cause the same to be administered in violation of the provisions of this section.

Other important provisions of New York State law are:

**Possession of apparatus for use of opium.** Any person who smokes or inhales opium or possesses any opium pipe, opium lamp, or other apparatus designed or generally used for the purpose of preparing opium for smoking, or smoking or inhaling opium, or any article capable of being used as or as part of any such pipe, lamp, or other device or apparatus, shall be guilty



of a violation \*\*\*This section shall not apply to an opium pipe, lamp, or other such device or apparatus when possessed for exhibition purposes.

**Common nuisances.** Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance.

**Sale of hypodermic syringes and needles.** It is unlawful for any person to sell at retail or to furnish to any person other than a duly licensed physician, dentist or veterinarian, an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, without the written order of a duly licensed physician or veterinarian. Every person who disposes of, or sells at retail, or furnishes or gives away to any person, either of the above instruments, upon the written order of a duly licensed physician or veterinarian, shall, before delivering the same, enter in a book kept for that purpose, the date of the sale, the name and address of the purchaser, and the description of the instrument sold, disposed of, furnished or given away. Any person or persons who sells, disposes of or gives away, an instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, except in the manner prescribed by this section, shall be guilty of a misdemeanor.

## **Drug Addicts—**

### *Classes of Addicts—*

Narcotic addicts may be broadly divided into the following classes:

(a) Persons who, on a physician's prescription, habitually take a narcotic to allay severe pain caused by chronic disease;

(b) Persons, otherwise normal and law-abiding, who began indulging in narcotics in a spirit of adventure and became slaves to the habit;

(c) Emotionally unstable individuals who habitually use narcotics with the object of getting away from the realities of life;

(d) Persons who habitually use marihuana or hashish as a sex stimulant;

(e) Those who are downright members of the criminal classes.

It is alleged by many authorities that about seventy percent of the drug addicts have criminal tendencies of one kind or another.

Statistics show that about fifteen percent of all persons convicted of felonious crimes are drug addicts, and that the percentage of burglars, robbers, and pickpockets comprise most of that percentage. The reason for this is, no doubt, that criminals who commit such offenses are taking a big risk. Therefore, many of them charge themselves with "dope" while operating, and, having once done so, they have not the nerve to commit crime unless so charged.

#### *Moral Degeneration of Addicts—*

The development of the narcotic habit is said to be in ratio to the personality of the user, and it is also said that many individuals who have become confirmed addicts cannot be cured, even when willing to cooperate with physicians or the authorities with that object.

Normal moral sense, will power, and strength

of character are decreased by habitual use of narcotics. An addict is accordingly less likely to resist strong temptation to commit crime than a normal person. An addict's craving for the narcotic is so intense that he will, as a rule, resort to crime to procure it if he cannot obtain it otherwise.

*Physical Symptoms of Addiction—*

In recognizing an addict, the police investigator often has a potential lead to the identities of a whole organization of traffickers in narcotics. For a policeman, therefore, the importance of knowing the various marks of drug addiction can hardly be overstressed.

The common physical signs of drug addiction are as follows:

(a) A grim, haunted expression; a peculiar glistening look in the eyes; trembling hands; sallow skin; wan cheeks;

(b) (In a sniffer, usually) a redness or swelling in the partition of the nostrils, or ulcers on it;

(c) (In one who takes his doses hypodermically) skin usually covered with a rash from the needle-pricks, this evidence being generally found on the arms, legs, or abdomen (some addicts use an eyedropper, safety-razor blade, safety pin, or the like, instead of a hypodermic needle);

(d) Periodic "yen" or "yen yen."

*The "Yen"—*

An addict has a periodic craving for his drug. This is known as "yen" or "yen yen." Some of its symptoms are:

- (a) Water running from nose or eyes;
- (b) Frequent yawning and sneezing;
- (c) Continually itching arms and legs;
- (d) Dilation of the pupils.

Sometimes an addict in the grip of a "yen" collapses.

*Peculiarities of Addicts—*

1. A chronic narcotic addict will, as a rule, advise others to take a narcotic whenever pain or fatigue gives the slightest occasion for it.

2. In the final stages of addiction, addicts are likely to have hallucinations that other persons are plotting against them and treating them unfairly.

3. Chronic addicts are, as a rule, confirmed liars.

4. Occasionally, chronic cocaine and morphine addicts imagine that there are animals under their skin, and will mutilate themselves to remove the foreign substances from their bodies. They may afterwards charge some other person with inflicting these wounds.

**Getting Evidence Against Violators—***The Addict's Cache—*

An addict may keep his or her supply of "dope" hidden in some such place as—

- (a) In the heel of a shoe;
- (b) Under a floor-board or table;
- (c) In a watch-case;
- (d) Under the plate of false teeth;
- (e) In plumbing fixtures, especially a flush tank;
- (f) In a container hanging on a clothesline outside a window;
- (g) In the top of a hat-pin;
- (h) In a secret pocket of the clothing;
- (i) Under a bedspring or mattress;
- (j) Behind a molding;
- (k) In a cigarette case;
- (l) In a book or magazine;
- (m) Behind a picture-frame.

### *Trailing the Street Peddler—*

When a policeman sees an addict showing symptoms of "yen yen" he should keep him under observation, as usually the addict will, in a short time, go to the narcotic peddler who supplies him. The policeman should trail the addict and place himself in a position where he can see the transaction between addict and peddler and, if possible, avoid being seen by them. If he sees the drug and money exchanged, he should arrest both persons before the drug or money is pocketed, and hold the drug and money as evidence.

The cautious peddler, however, may not keep his narcotics on his person. He may hide a lot of containers—such as "decks," "bindles," envelopes, boxes, etc.—in nearby hallways, toilets,

etc. After he has received the money for a supply from the addict, he would then tell him where to go to get it. It would therefore be difficult in such cases to obtain evidence to convict the peddler.

Hence, when an addict under an officer's observation is seen to pass money to a suspected peddler without apparently receiving any package in return, the peddler should usually be trailed until he procures narcotics at his own source of supply, and then arrested.

When a peddler keeps his stock of narcotics in his home, he may have had it in a container, such as a tobacco pouch hanging outside the window, so arranged that, if the window is opened—e. g., by a policeman—the package will fall into the yard.

### *Uncovering a Narcotic Ring—*

A detective engaged in getting evidence against the principals in a narcotic ring would not, as a rule, arrest "small fry" peddlers until evidence had been obtained against the ringleaders. The methods used to obtain such evidence would, of course, depend on the circumstances of the case.

Sometimes the detective gets into the good graces of a few peddlers. Trailing them to their source of supply, he learns who the next small links in the chain are. Then, step by step, he adroitly works his way up until he makes contact with the principal members of the ring and obtains evidence against them.

Most of the narcotics unlawfully sold in the

United States are smuggled in from foreign countries. Passenger and freight ships are usually used for the purpose, but occasionally narcotics are smuggled across the border, especially from Mexico.

Smugglers who bring narcotics into the United States on ships use many ingenious methods, a common one of which is as follows:

The narcotic-container is attached by a long string to a deceptive-looking buoy and is thrown overboard in the harbor before the ship docks. Confederates know the exact place where it has been thrown overboard, and retrieve it when the coast is clear, using a boat to do so.

#### *Getting Evidence Against Registered Persons—*

When a doctor, druggist, manufacturer, or other registered dealer is suspected of illegal sales of narcotics, the policeman should visit the premises, accompanied, if practicable, by a chemist, and proceed as follows:

1. Establish ownership of party in charge.
2. Establish registration required by law.
3. Establish whether licensed in state.
4. Examine records of purchases.
5. Examine records of sales or other dispositions.
6. Examine records of amount on hand on date of last report preceding visit.
7. Tabulate purchases from date of last report preceding date of visit.
8. Tabulate quantity disposed of from last report preceding date of visit.

9. Tabulate amounnt on hand at date of visit.

If any discrepancies are discovered between the records and the amount of these narcotic drugs on hand, a warrant should be applied for and the records held as evidence. Drugs found on the premises in excess of the amount allowed by law should be seized and marked as evidence.



## CHAPTER VIII

### AUTOMOBILES AND CRIME

**M**ANY present-day criminals, especially burglars and robbers, use automobiles in their criminal operations; and, of course, many cars are stolen by automobile thieves.

#### THEFT OF AUTOMOBILES

All of our states have enacted laws on the subject of automobile theft. Doubtless these laws would be more effective if uniform throughout the United States, and if all police organizations coordinated their methods of enforcement.

The federal law relative to auto theft (Title 18, U. S. Code) is as follows:

Section 408. **Motor Vehicles; transportation, etc., of stolen vehicles**—This section may be cited as the National Motor Vehicle Theft Act. The term "motor vehicle" when used in this section shall include an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle not designed for running on rails; the term "interstate or foreign commerce" shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia. Whoever shall transport or cause to be transported in interstate or foreign

commerce a motor vehicle, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000, or by imprisonment of not more than five years, or both. Whoever shall receive, conceal, store, barter, sell, or dispose of any motor vehicle, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000, or by imprisonment of not more than five years, or both. Any person violating this section may be punished in any district in or through which such motor vehicle has been transported or removed by such offender. (Oct. 29, 1919, c. 89, Secs. 1 to 5, 41 Stat. 324.)

### **Automobile Thieves—**

A person who leaves an expensive automobile unguarded in the street for a long period—particularly when it is not locked with a good lock—is tempting thieves to steal it. Warning persons against that form of carelessness is one way to prevent the theft of cars.

Automobile thieves usually have a market for the type of car they steal. Occasionally a band of them works under a master thief, who directs their operations and purchases stolen cars from them at a nominal price. Such thieves usually operate in pairs.

When a thief sees a car in the street that suits his fancy, he loiters in its vicinity for a short time and observes whether its owner is about. If he thinks it safe, he approaches the car, and if it is locked with a lock which he can manipulate—or if it is unlocked—he drives off in it.

NOTE—Kits for opening automobile locks are now sold for the use of car owners who have lost or mislaid their keys; but they are sometimes used by automobile thieves.

The thief either changes the car's license plates at the first opportunity or waits until he gets it to a garage. After it is under cover he or the receiver, as a rule, changes its appearance and destroys all apparent marks of identification, as, for instance, by cutting out the serial number, repainting the body, changing the tires and accessories, etc. The car may be taken to another city or state before being disposed of, or shipped to a foreign country for sale.

Sometimes auto thieves scout around in their own car until they see an automobile being driven that suits their fancy. They trail such a car and, if the driver parks it where theft is possible, they steal it.

*M. O. of Clever Bands of Auto Thieves—*

The modus operandi of some clever bands of automobile thieves is as follows:

1. The band steals three or four cars of the same model before altering the identification marks. They dismantle all the cars and jumble the parts, transposing engines, bodies and chassis so that the car will not be recognized by its true owner on sight.

The gang may even refrain from using the motors of the stolen cars. Instead, wrecked cars may be purchased cheaply from insurance companies, and cars built around the motors with the parts of stolen cars. Thereby the motor in the reconstructed car could be lawfully accounted for.

2. A band of auto thieves may—in the absence

of adequate preventive measures—manage to get possession of a lot of the blank certificates of ownership in use at the state motor vehicle license bureau—as indeed one gang did some time ago.

This gang bought old automobiles, including the license plates, very cheaply, and put these plates on comparatively new cars it had stolen. The thieves filled out certificates of ownership to correspond with the motor numbers, etc., of the stolen cars and the license numbers of the cars they had purchased, signing fictitious names on each certificate.

When they offered a stolen car for sale, the certificate of ownership would be shown, and the buyer would have no reason to suspect that the car was stolen. He usually would not learn that fact until he applied to have the car registered in his own name.

### *Joy-Riders—*

The so called joy-rider who takes an automobile without its owner's consent, and abandons or returns it after taking a ride, is guilty of crime, but is not per se a downright automobile thief.

### *Advice to Patrolmen—*

You should investigate when you observe any suspicious person or persons loitering near an automobile or driving one. Pay particular attention, especially on your post, to every garage, automobile repair-shop, or other place, where you see suspicious persons "hanging out," especially

places where stolen automobiles are likely to be repainted or overhauled. An automobile displaying a "For Sale" sign should be investigated when its vendor is unknown or is a suspected fence, especially when it is on exhibition in a public street, vacant lot, mushroom parking plot or "fly by night" salesroom. Take all police action warranted by the circumstances, and report suspected persons to your commanding officer and to the detective bureau.

### **Identification of Stolen Automobiles—**

When you are examining a car which you suspect to have been stolen, you will find the following things useful, if at hand:

- (a) An automobile reference book;
- (b) A flashlight and a lens;
- (c) A wire brush;
- (d) Some gasoline and rags;
- (e) A memo book.

The following are some of the important points in such an examination:

1. Carefully note the general description of the car, including marks due to accidental damage, mileage on speedometer, and evidence of recent repairs, alterations, or painting.

2. Examine contents of the car for evidence that may establish its ownership, such as receipts, registration numbers, old license plates, business cards, etc. Fingerprints of the true owner may be found on such a car and his identity be established thereby, even if he has no criminal re-

cord; for his prints may be on file in the civil identification files of the Federal Bureau of Investigation, in the United States Veterans' Bureau files, etc.

3. Record the serial number and the motor number, then scrutinize them for evidence of tampering, such as the true numbers being filed off and false ones substituted, a false figure added to the true number, etc.

4. Verification of the serial and the motor number usually suffices to determine ownership. But all cars have concealed numbers within the motor and throughout the chassis—a fact not generally known. Look for such numbers, if the occasion requires it, aided by an expert when necessary. If you find even one such number, the manufacturer can tell you to whom the car was first sold or consigned.

5. Remember that many manufacturers number locks, keys, transmissions, axles, steering-posts, etc., and can sometimes tell to what make of car the item bearing such a part number belongs.

6. All identification numbers on American cars, are as a rule stamped into the metal at the time the car is manufactured. This process makes an indelible impression in the depths of the metal. Consequently, if the original numbers are effaced on the surface and false numbers stamped in, traces of the effaced numbers can be found in the metal by scientific examination. Raised numbers

on car metal are casting numbers, and are not ordinarily an aid in identifying the car.

NOTE—The serial number is on the chassis of the present model Ford automobile.

7. If, after examining a car, you think it has been stolen, consult available lists of stolen cars, and also the motor vehicle license bureau which issued the license plates or, if old plates were substituted, the bureau which issued the plates you found.

The National Automobile Theft Bureau is sometimes able to supply valuable information in such cases.

8. Action relative to any suspect should be based on the known facts; and the car should be safeguarded until it is properly disposed of.

NOTE—The above eight points also apply, in general, to cars abandoned by wanted criminals.

## OTHER CRIMES INVOLVING AUTOMOBILES

### General Points—

1. Criminals often put stolen license plates on a car while they are using it in a criminal operation, discarding them after the job is done; or they may obtain license plates for this purpose from the state motor vehicle license bureau, using fictitious names and addresses. Some criminals steal a car for use in a criminal operation and abandon it after the job is done.

2. When criminals fleeing from the scene of a crime abandon the car they have used, it should be thoroughly searched for clues. Fingerprints

may be found. Sometimes a road-map on which a particular route has been marked out by the criminals is a valuable clue to their destination.

3. If it is suspected that murder has been committed in the car, or that the body of a murdered person has been transported in it, careful search should be made for bloodstains, especially in the upholstery and floorboards.

4. If suspects are found who may have been in the car, samples of dust from their clothing might be compared with dust in the car, especially dust on the seats.

NOTE—A vacuum cleaner is sometimes used to gather dust samples. Of course the vacuum cleaner must be thoroughly cleaned beforehand. A special one which is equipped with a filter is used to gather dust clinging to fabrics.

5. Headlight- window-, or windshield-glass, found at the scene of a collision in which a person has been fatally injured by a driver who has escaped without being identified, may be a valuable clue. Automobile dealers and manufacturers, if shown a sample of headlight-glass are usually able to tell the make of car it came from. Such information may also be obtained at a crime laboratory, especially the one maintained by the Federal Bureau of Investigation. A headlight-lens sometimes has a part number, put there by the manufacturer to indicate its type; and when it is possible to piece the shattered glass together, this number can be ascertained. There is a "Guide Lamp Bulletin" issued to dealers in lenses so that they can consult it when ordering new lenses. It



contains the part numbers of the type of lenses used on several makes of cars. Hence the part number of a lens is a lead to the make of car for which the lens is standard equipment, and in some cases whether it is a right- or left-side lens.

Obviously, all pieces of shattered glass should be collected. Even when the driver of the "get-away" car installs new glass to replace that which was broken, fragments of the broken glass may be found in his car and may match the glass found at the scene of the collision. It should be remembered that shatter-proof glass is standard equipment on cars manufactured in recent years; consequently, large pieces of broken glass are not likely to be found at the scene of a collision, if the car concerned was manufactured since 1934.

### **Pertinent Questions and Answers—**

**Q.** Is it possible to ascertain the direction an automobile has traveled by examining its tire tracks? **A.** Yes, especially if the road is wet or dusty, as small heaps of dirt and dust are thrown up by the wheels on each side of tracks. If the surface over which a car travels is soft enough to be pressed down by the weight of the car, steplike breaks will be found along the bottom of the tracks. The wheels travel in the direction in which the soil has been lifted.

**Q.** Do the tire marks made by the front tires show when an automobile is traveling in a straight line? **A.** No; but the front tire marks will, as a rule, show at every place where the car has backed up or made a sharp turn.

**Q. When making an examination of tire tracks for the purpose of identification, what should be particularly observed?** A. Tire patterns of all the wheels; also marks of repairs and traces of wear and tear.

**Q. Is it possible to ascertain the make of a tire from the pattern of its track?** A. Yes; each tire manufacturer distinguishes his make of tire from all others by making a distinctive pattern. If a policeman is doubtful as to the make of a tire of which he has a track pattern, he can usually obtain the desired information by consulting a tire manufacturer or dealer. Such information can also be obtained in a crime laboratory.

**Q. Does a hard, clean road-surface disclose tire patterns?** A. As a rule, no; but if the vehicle has passed over a wet section of road on to a dry one, the raised portions of the tire may be printed in relief, the resulting pattern being a positive.

**Q. What connective evidence is often found on the victim and on the automobile after a pedestrian has been struck and seriously injured by a car?** A. (a) On the victim's body or clothing there may be found glass from broken lamps or windshield, tire patterns if he was in contact with the wheel, and the radiator pattern if he was in contact with the radiator, etc.

(b) On the car there may be found, especially at or near the point of impact, fibres of the victim's clothing; hair, flesh, or blood from his body, etc. Occasionally the pattern of the victim's clothing is found on the car at the point of impact,

especially if the surface at the point of impact is highly polished.

**Q. When human hair, cloth fibres, flesh particles, or like matter is found on a car that has struck a person, is it possible to determine by analysis whether or not the matter came from the victim?**

**A.** Yes. For instance, it can be determined by analysis whether a sample of hair came from a human being or an animal. If it came from a human being his approximate age and the part of his body it came from can usually be determined. Therefore, if human hair were found on an automobile at the point of impact after it had collided with a person, and a sample of the victim's known hair were analyzed and found to be identical, this would be positive connective evidence. The same would apply if glass from the car were found adhering to the victim, or if fibres from his clothing were found adhering to the car, etc.

**NOTE**—The officer making such an examination should ignore, as a rule, any fibrous matter adhering to the under side of mudguards unless it is found in actual combination with flesh and/or blood; because the wheels of all vehicles pick up such matter from the road surface and deposit it in the place indicated.

### **Drunken Driving—**

A driver so drunk that he would find it difficult to proceed on foot because of the marked effect alcohol has on the legs, may be able to sit in a car and drive it; but of course he is a menace, due to the fact that his presence of mind and

speed in reacting are decreased to such an extent that he is incapable of steering his car properly and adapting himself to continually changing traffic situations.

The partly intoxicated driver who is able to manage his car under ordinary conditions is also a menace, principally because he is likely to take a "sporting" chance that may have dire consequences. Even one highball makes some drivers feel that they are reincarnations of Napoleon and that they have the right of way over all pedestrians and vehicles.

Driving an automobile while intoxicated is a crime in every state; and it is a very serious crime if the driver, owing to his condition, kills or seriously injures a person with his car. In order to convict a person of driving a car while intoxicated, the offense must be proved beyond a reasonable doubt.

Scientists disagree as to how much alcohol an individual must consume to become intoxicated within the meaning of the law, as individuals react differently to given quantities of alcoholic liquor.

Numerous tests, both chemical and visual, have been advocated, some of which have been adopted; but such tests are not uniform throughout the United States. Most of the chemical tests must be administered by a physician or a skilled technician, and in some tests elaborate and expensive equipment is required.

Taking a sample of blood from the suspect's blood-stream and determining from it the amount

of alcohol in his system is a method used by some police organizations. It is generally held that 0.15 percent (1.5 parts per thousand) of alcohol in the blood, or its equivalent in other body fluids, is *prima facie* evidence of intoxication, and that more than 0.10 percent is associated with a degree of physical or mental inferiority caused thereby. Common sense tells us, however, that some motor vehicle drivers are a serious menace when they have drunk even a far lesser percent of alcohol than what would make an average man drunk.

Even a *partly drunk motorcycle driver* is a menace.

After alcohol is absorbed into the blood it is uniformly excreted, and after from about twelve to fifteen hours no trace of it can, as a rule, be found in a living person. Hence, if a blood-test is to be made, blood for it should be taken as soon as possible.

In some police organizations, including that of the City of New York, the only test given to a driver who appears to be intoxicated is a visual one made by the arresting officer, assisted by the desk officer on duty.

The accompanying motor vehicle intoxication-report form was developed by the National Safety Council's committee on tests for intoxication. It was approved by the board of officers of the International Association of Chiefs of Police at its June, 1938, meeting.

Driver.....  
Passenger.....  
Pedestrian.....

MOTOR VEHICLE  
INTOXICATION REPORT

Case No. ....  
Station.....

Name..... Address.....

Age..... Sex..... Race..... Occupation..... Dr. Lic. No. ....  
A. M.  
P. M.

Violation or Accident..... Type..... Location..... Date..... Time.....  
A. M.  
P. M.

Arrest..... Charge..... Officers..... Date..... Time.....  
A. M.  
P. M.

Witnesses to driving.....

QUESTIONS:

Have you been drinking?..... What?..... Quantities?.....  
A. M.  
P. M.

Commenced :..... P. M. Stopped..... P. M. Where.....  
A. M.

Are you ill?..... Are you under a doctor's care?..... If so, who?.....  
A. M.  
P. M.

Are you taking medicine?..... If so, what?..... Last dose.....  
A. M.  
P. M.

Do you have diabetes?..... Are you taking insulin?.....

Have you been to a dentist?..... If so, when?..... Are you using a mouth wash?.....

Are you hurt?..... Did you get a bump on the head?.....  
How much today?.....

How much sleep did you have last night?..... How much today?.....

Have you been drinking since the accident?..... What?..... Quantities?.....



REMARKS:

Names of Officers or persons making the remarks

INSTRUCTIONS FOR COORDINATION TESTS

Do not have suspect perform any test action unless he is willing. When tests are not made, record conditions from general observations but do not check the squares. A square is to be checked only if test is made.

1. Pupils of eyes—Flash a bright light in the eyes of the suspect and compare the reaction of his pupils with the reaction obtained when a light is flashed in the eyes of another person.
2. Balance—Stand erect with heels together, eyes closed, and head back, to observe balance.
3. Walking and turning—Walk a straight line, toe of one foot against the heel of the other, then turn and walk back again.
4. Finger-to-Nose Test—Stand erect, eyes closed, extend arms horizontally to side, then, one arm at a time, touch the tip of nose with the tip of the index finger.
5. Speech—Repeat the following test phrases: ELECTRICITY, METHODIST EPISCOPAL, AROUND THE RUGGED ROCK THE RAGGED RASCAL RAN.
6. Obtain a statement in writing of the cause of the accident or arrest, signed by the suspect, so that handwriting can be compared.



**PHYSICIAN'S REPORT:**

Examining physician, if any.....  
 Name.....  
 Address.....  
 Time Examined.....  
 A. M.  
 P. M.

Physician's Diagnosis.....

Signature of Physician

**SAMPLE FOR CHEMICAL TEST:**

(Blood)  
 (Urine) Specimen: Taken in the presence of ..... By .....  
 (Breath)

at.....  
 Date..... Time.....  
 P. M. Sealed by.....  
 Witness.....

Results of Test.....

Tests made by.....  
 Date.....

Witness.....

**CASE SUMMARY:**

Where taken..... Charge.....

Court..... Judge..... Trial Date.....

Disposition and Penalty.....

Remarks:.....

.....

### Signs of Intoxication—

The policeman who is examining a person to ascertain whether or not he is intoxicated should keep the following signs of intoxication in mind:

**Pupils**—The pupils of the eyes are dilated in the stage of alcoholic excitement and as alcoholism deepens they gradually become somewhat contracted.

**Reaction to Light**—In the normal eye the pupils dilate in darkness and contract in light. In a drunk this reaction is slow and sluggish, or, frequently, absent.

**Conjunctivae**—The membrane covering the eyeball and the lids is usually red and congested in a drunk.

**Tremor of Hands**—When the hands are held out with fingers widely separated, there is tremor (trembling) seen in the hands of a drunk.

**Touching Nose**—A drunk cannot touch his nose with his finger while his eyes are closed.

**Romberg**—This symptom means that a drunken person when standing erect with feet together, hands at sides, and eyes closed, will sway back and forth.

**Tongue**—The tongue of a drunk is usually moist with a large amount of saliva present. He often drools at the mouth.

**Face**—Usually flushed.

**Skin**—Moist and clammy.

**Pulse**—Rapid at first; when totally drunk it becomes slow.

**Respiration**—The breathing is normal when slightly drunk, gradually growing heavy and sometimes snoring when totally drunk.

**Picking up a Coin**—A drunk cannot quickly pick up a coin. Have him stand erect, then place a coin on the floor and ask him to see how quickly he can pick it up.

**Gait**—A drunk has a staggering, unsteady gait.

**Speech**—Thick, often not understandable.

**Knee Jerks**—These are the knee reflexes, elicited by having the person cross his legs while sitting. The examiner then strikes the person's knee just under the knee cap. In the stage of alcoholic excitement the knee jerks are exaggerated. As alcoholism deepens they become absent.

**Breath**—Alcoholic in a drunk.

### *Avoid Premature Conclusions—*

Before forming a conclusion, it is also well to remember the following facts:

1. If a person drinks even a small amount of alcohol on an empty stomach, there will be a strong odor of alcohol from his breath. Therefore, the fact that a person has an alcoholic breath is not conclusive proof that he is drunk.

2. A person suffering from a pathological mental disturbance caused by paralysis, epilepsy, or schizophrenia often has a reddish face, is highly excited, and acts as if he were intoxicated.

3. A person suffering from a skull fracture or other serious head injury may present symptoms of intoxication. For instance, he may appear stupefied, or stagger, speak thickly, vomit, etc.

Indeed, he may even have drunk a small quantity of whiskey before coming into the hands of the police and so have an alcoholic breath. In fact, there have been cases where persons suffering from head injuries have been arrested for intoxication and have died in custody as a result of such mistreatment.

A policeman should not form a hasty conclusion on intoxication.

NOTE—In a recent case a sample of blood was taken from the body of a drunken driver without his consent, while he was in an alcoholic coma. On analysis it was found to contain a certain percent of alcohol. This fact was testified to in his trial and was accepted as evidence although he objected on the grounds that it practically compelled him to testify against himself. Evidently, however, it would be unlawful to take a sample of blood from a defendant by duress.

## CHAPTER IX

### HOMICIDE

**T**HE policeman in charge of the investigation of a homicide should have a good knowledge of the law on the subject. This law is practically the same in all of our states. The following is in substance the law of New York State:

Homicide is the killing of one human being by the act, procurement or omission of another.

By "act" is meant such things as shooting, stabbing, poisoning, clubbing.

By "procurement" is meant getting some other person to do the actual killing, such as Black hiring Brown to kill White.

By "omission" is meant the failure to provide ordinary measures of safety, such as a contractor's failing to comply with the building laws or failing to comply with the law when handling explosives, etc.

### CLASSES AND DEGREES

Homicide is divided into four classes:

- (a) Murder;
- (b) Manslaughter;
- (c) Justifiable homicide;
- (d) Excusable homicide;

In murder and manslaughter, the person responsible is criminally liable.

In justifiable or excusable homicide, the person who caused the death is not criminally liable.

### **Criminal Homicide—**

#### *Murder in the First Degree—*

A person is guilty of murder in the first degree when he has unlawfully caused the death of another in any of the following ways:

1. Deliberately and with premeditation (This means that the killer before the act reflected on the matter and decided to kill);

#### *Example—*

Black, who was jealous of White, waylaid and deliberately killed him.

2. By an act immediately dangerous to human life showing a depraved mind;

#### *Example—*

Black, not caring whom he killed, unlawfully fired a shot into a crowd and killed White.

3. While committing a felony;

#### *Example—*

Black, intending to rob White, pointed a gun at him and ordered him to throw up his hands. White staggered back, struck his head against the wall, fractured his skull, and died from the injury.

4. In the course of committing the crime of arson in the first degree;

*Example—*

Black in the night time set fire to White's residence and a member of White's family received burns which caused his death.

5. By wrecking a railway train or car;

*Example—*

Black unlawfully placed an obstruction on a railway track. The train struck it, and, as a result, left the track, causing the death of the engineer.

*Murder in the Second Degree—*

One who kills a human being with the design to effect the death of the person killed or another, without premeditation or deliberation, under circumstances not amounting to murder in the first degree, is guilty of murder in the second degree.

*Example—*

Black accidentally met White, who had wronged him, and, on the spur of the moment, shot and killed him.

*Manslaughter—*

A person is guilty of manslaughter who, without a design to effect death, kills a human being—

1. In course of committing a misdemeanor;

*Example—*

Black struck White with his hand during an altercation with him, causing an injury from which White died.

2. In the heat of passion;

*Example—*

Black and White had an argument, in the course of which Black impulsively struck White with a bottle and killed him.

3. While trespassing on a private right;

*Example—*

Black entered White's home after White had ordered him not to do so. As he had not lawful right there, White tried to eject him, and in the scuffle lost his life.

4. In the performance of an illegal abortion.

*Example—*

Dr. Black performed a criminal abortion on Jane White, who was quick with child, and caused her death. He would likewise be guilty if he caused the death of the quick child. (NOTE—An abortion is not criminal when performed to save the life of the woman or the child.) A woman who kills her quick child by performing a criminal abortion on herself is guilty of manslaughter, as is also a person who kills an unborn quick child by unlawfully injuring its mother.

5. By an act of culpable negligence.

*Examples—*

(a) Dr. Black, while intoxicated, accidentally administered poison to his patient and caused his death thereby.

(b) Engineer Black carried more steam in



the boiler of his engine than allowed by law. As a result, the boiler blew up and caused the death of a person.

(c) Captain Black, in command of a passenger ship, carried more passengers on it than allowed by law, and, as a result, an occurrence took place which cost the life of a passenger.

(d) Black, a blaster, failed to cover a blast in the manner prescribed by law and caused the death of White by such neglect.

### **Justifiable Homicide—**

Homicide is justifiable when committed under the following circumstances:

1. By a public officer in obedience to the judgment of a competent court;

#### *Example—*

The public executioner, in the performance of his duty, takes the life of a person condemned by law to die.

2. By a public officer in overcoming actual resistance to the order of a court or in the discharge of a legal duty (but only when absolutely necessary) ;

#### *Example—*

Police Officer Smith had entered Black's home to execute a search warrant. Black absolutely refused to permit the search, pointed a gun at the officer, and threatened to kill him unless he departed immediately. Smith endeavored to

disarm him, but, being unable to do so, shot and killed him.

3. By a public officer in arresting a person for a felony actually committed;

*Example—*

Officer Smith had Black in custody for robbery. Black, in attempting to escape, knocked Smith down and tried to get possession of his gun. Smith drew his gun and shot Black.

4. By a public officer in suppressing a riot or in preserving the peace (This power, however, is to be used only in extreme cases) ;

*Example—*

Officer Smith saw a mob armed with clubs and bricks running along the street smashing store windows and assaulting storekeepers. He endeavored to suppress it without using his gun, but, not being able to do so, he fired on the mob and killed one of its number.

5. By a person when preventing another from committing a felony on his person or on the person of any member of his family or any person in his company when there is imminent danger of such design being accomplished.

*Example—*

Black, having entered a bank to rob it, pointed a gun at its cashier and ordered, "Hands up!" White, the bank watchman, seeing this, shot and killed Black.

*Homicide Not Justifiable—*

Generally speaking, a person not charged with the duty of enforcing the law whose life is threatened should not take the law into his own hands. He is required to seek protection from officers of the law or to avoid the danger provided he has the opportunity to do so.

*Example—*

Black, being in a public restaurant, exhibited a gun to Brown and informed him that he expected White to come there and that he intended to kill him. Brown informed White of this and warned him of his danger. White armed himself with a gun, went to the restaurant and shot Black. White was not justified in doing so. He should either have informed the police or avoided the danger.

On the other hand, let us assume Black had told Brown that he was about to go to White's home and shoot him there. Brown informed White of this. White armed himself with a gun for which he holds a permit. Black entered White's home, armed, and White shot and killed him. White would be justified in his action on the ground of self-defense, as the law does not require a man to leave his home to avoid unlawful attack. The fact, however, that White did not inform the police of the threat against his life might cause the authorities to doubt his statement.

(NOTE—The policeman handling a homicide case which

is evidently justifiable or excusable should nevertheless, as a rule, present the facts to a magistrate for his adjudication, unless the district attorney otherwise directs.)

### *Excusable Homicide—*

Excusable homicide is the killing of a person through accident or misfortune.

### *Example—*

White was driving a vehicle through the streets in a careful, law-abiding manner when Brown rushed in front of it and was accidentally killed.

## INVESTIGATION

### **Homicide in General—**

There are three distinct steps in every culpable homicide case:

- (a) Investigation at the scene;
- (b) The autopsy;
- (c) The trial.

### *Officials to Be Notified—*

When a homicide is reported to the police, notifications prescribed by the regulations of the police department concerned should be made forthwith, and those having duties at the scene should get there as quickly as possible.

In New York City, the following are notified:

- (a) The telegraph bureau;
- (b) The chief inspector;
- (c) The commanding officer of the detective

division, as well as the commanding officers of detectives in the district and in the precinct where the homicide occurred;

(d) The commanding officers of the uniformed force in the borough, in the division, and in the precinct where the homicide occurred;

(e) The homicide squad;

(f) The district attorney and the medical examiner;

(g) The technical police laboratory, photographers, and stenographers;

(h) Other specialists, who are notified and go to the scene when there is occasion for their services.

For instance, the *bomb squad* is notified in bomb cases; the *ballistic bureau* in gun cases; and the *motor vehicle homicide squad* when death is caused by an automobile.

NOTES—(1) When death is caused by some unusual condition over which some other branch of the city government has jurisdiction, that branch is notified. For instance, if a building collapsed and caused death, the *building department* would be notified, and would send one of its experts to the scene to aid in the case. (2) The *medical examiner* or his assistant goes to the scene in all cases; an *assistant district attorney* goes as a rule.

### *Steps of First Patrolman at Scene—*

The policeman first at the scene of a homicide, pending the arrival of the detective who is to take charge, should—

1. Signal for assistance, notify desk officer of facts and request him to send detectives, an ambulance, and other uniformed policemen if necessary.

2. Take all possible police action to arrest or cause the arrest of the perpetrator.

3. Endeavor to get material witnesses, detain any found, and keep them separated. If the scene is the interior of a building, detain all who were present at the time of the occurrence for examination.

4. Permit no unauthorized person to go near the body or to enter any room or other enclosure where the body is.

5. Safeguard all evidence and not handle or destroy any article or thing at the scene until the arrival of the detective who is to have charge. If, however, the homicide has occurred in the street or other public place, it may be—and usually is—necessary to seek for and take possession of any weapon or other thing that may have been abandoned there by the perpetrator. In such case, the officer finding such evidence should carefully note the exact spot where he found it, mark it and make record of the matter in his memo book.

6. He should, before accepting any article of evidence from any person, cause such person to mark it. Then he should do likewise and make note of the facts in his memo book.

7. Reduce to writing any material statement made to him by a witness and have him sign it.

8. Note conditions he found at the scene when he arrived, such as position of the body; door or

windows closed or open; lights burning, gas escaping; evidence of a struggle, etc. If the scene is outside a building, he should also note light and weather conditions, such as clear, cloudy, foggy, dusk, dark, street light shining on the spot, etc.

9. Request ambulance surgeon who examines body not to destroy any evidence that may be on it or its clothing during his examination, such as powder or blood stains, bullet holes, knife cuts, etc.

10. On arrival of detective who is to have charge of case, inform him as to the police action that has been taken and give him all material evidence in hand.

11. Before body is removed to morgue, search it, in presence of witnesses, remove and mark all property found on it and deliver such property to desk officer or detective in charge of case. The body should not be removed until the medical examiner gives permission. If, however, it is in the street, or public place, it may be moved to nearby sidewalk or store pending such permission. Outline its position with chalk before removal.

12. Place tags containing his own signature on clothing and on body, giving the name of deceased, if known, or, if unknown, his description, also brief facts of the case.

13. Take possession of clothing when it is removed from body, mark same with ink or indelible pencil and safeguard it until he turns it over to proper authority. The district attorney in-

structs as to what articles of the clothing shall be held as evidence, and the remainder is left with the body.

14. Be present at the autopsy to identify the deceased; and if possible have witness present who can also identify him.

*Duties of Detective in Charge—*

The detective in charge of the case is responsible for its proper management. He is required to see that—

- (a) The crime is established;
- (b) The motive for it is found;
- (c) The perpetrator is detected and arrested.

When he arrives at the scene, he should—

1. Quickly ascertain from the policemen present what action they have taken on the case and what they know about it. Then he should see that anything they may have neglected to do is done forthwith and instruct them as to what further action to take. He should dictate to a stenographer the condition he found on his arrival.

2. Make a preliminary examination of all witnesses or other persons who have been detained; hold for further examination those who may have important information and permit the others to depart after they have identified themselves, see to it that all persons present on the premise who may have culpable connections with the crime are fingerprinted.

3. Inspect any evidence in the possession of the policeman present, take what he wants to use and



instruct the officers as to what to do with the evidence which he does not want.

4. Notify his superior officers as to the facts of the case. If the case is an important one, he should establish a temporary telephone headquarters at the scene, so that his superiors and those working with him on the case can make quick contact with him.

5. Have a photograph taken of the body and its surroundings before moving it. If, however, the body is in a public thoroughfare and is obstructing traffic, it should, as a rule, be removed to the sidewalk forthwith and there photographed. A photograph should then be taken of the spot where the body was found, and the spot should be marked on the photograph. Exact measurements should be made of the place where the body was found.

The detective's further action in the case would depend largely upon whether—

- (a) The murderer is known and has not escaped; or
- (b) He is known, but has escaped; or
- (c) He is not known and has escaped.

In any case, the statements of witnesses must be taken in proper form; the weapon or other thing with which death was caused must be secured if possible; the criminal must be arrested if he can be found; and evidence to prove his guilt must be gathered.

If the murderer is known and has escaped, the action which should be taken would be along the lines of that described in Chapter XV.

If the murderer is unknown and has escaped, the case, as a rule, can be solved only by skillful detective work. The foundation of that work must generally be built with evidence found at the scene. The following is an outline of the investigation which should be made at the scene of a murder when the killer has escaped even though he is known:

*When Murder Occurred in a Private Building—*

The detective in charge should take the preliminary action above described, and also the following:

Keep all unauthorized persons outside the room where the body is. The fewer authorized persons present, the better.

Determine, if possible, the cause of death, such as poisoned, shot, stabbed, strangled, struck with some weapon.

Look for and note any evidence of a struggle, such as articles of furniture overturned or out of position.

Search for the weapon or instrument used. If it is found, note its exact position in the room and determine whether it was thrown there, or carefully placed there in an attempt to secrete it.

Try to determine the manner of the murderer's entry and exit, whether by window, door, or transom.

Have a photograph taken of the complete scene before anything is taken away or disturbed.

A minute and complete search of the room and all parts of the premises should be made to discover and secure evidence which may lead to the perpetrator. To make the search thorough it should be commenced at the point where the murderer entered the room or else be commenced at the body. Moving to left or right, the detective should cover every portion of the room, in circles ever narrowing or widening, as circumstances may dictate. During the search he should overlook nothing. In handling anything on which there may be fingerprints, such as a knife, glass, or revolver, he should be careful not to destroy possible prints. If the murderer's hands were bloody, fingerprints may possibly be found on surfaces at some distance, such as the walls, door knobs, etc.

Footprints are of greater importance than is generally considered. On that account be careful not to permit the floor to be walked over any more than is absolutely necessary. These footprints, like fingerprints, *do not have to be in plain sight to be of value*. A shoe print, if the slightest bit damp, can be dusted over with powdered chalk when on a dark surface, or with powdered graphite on a light surface, and developed so that a photograph can be made of it. The print of a bare foot can be developed in the same manner, particularly if the conditions are such that the foot was moist from perspiration.

Before any article which may be used as evi-

dence is picked up, the detective should note and measure its exact position in relation to some fixed point in the room.

### *The Body—*

A careful examination should be made of the body after it has been photographed and fingerprinted. The hands should be minutely examined. If there has been a struggle it may be that something from the murderer's person may be found adhering to the victim's hands; hairs, fibres of clothing, etc. These should be carefully removed and placed in test tubes. The dirt from under the dead person's fingernails should also be preserved as it usually will show the work the deceased was last engaged in. Articles of this kind should not be removed from the hands until their exact position is noted.

If the deceased was the victim of rape, the private parts should be examined by the medical examiner, or by the detective, under his direction, to see if any hairs or semen from the murderer are present. Such hairs or articles of clothing containing semen from the murderer should be carefully removed. A sample of the victim's hair should be taken so that it may be compared with hair which may be found clinging to the suspect's person or clothing.

The securing of samples of semen stain is very important, as they will show under analysis whether or not the guilty one was suffering from a venereal disease. It is a common

superstition among some ignorant foreigners that sexual intercourse with a child will cure gonorrhea.

The body should be scrutinized for marks which would lead to identification, particularly if the victim is unidentified. Special attention should be given to tattoo-marks, scars, moles, fillings in teeth and false teeth, which are frequently of importance in establishing identification.

In examining the clothing on a body, particular care should be taken not to destroy any knife cuts, bullet holes, stains, or the like, in or on them. If identification has not been established, a description of each article should be obtained, noting particularly tailor's name, laundry marks, etc.

#### *Establishing Time of Death—*

It is important that the approximate time of the murder be determined. This can usually be learned from the ambulance surgeon or the medical examiner.

It should be remembered, however, that a detective usually arrives at the scene of a homicide before the medical examiner or other physician, and that in such a case it may be important for him to approximate forthwith the time death occurred and whether the position of the body was changed by anyone after the death. A detective should therefore know the following:

1. Upon the occurrence of death, the heart instantly ceases to pump the blood. Consequently, due to the force of gravity, the blood begins to sink to the lowest body level. In average cases

suggilations (black-and-blue marks) begin to appear in about three hours, and are usually complete in about twelve hours. The time is shorter in instantaneous deaths—as, for instance, strangling—and longer when death was caused by arsenic or similar poisons. It is likewise shorter if the person is corpulent, and longer if he is anemic or of slight build. This condition of the body is known as “post mortem lividity,” as there is a reddish tint where the blood settles.

If the position of the body had been changed by anyone before lividity had begun, all the blood would gravitate to the new low level. Consequently, the lividity would not indicate that the body had been shifted.

If the position of the body was changed after the commencement of lividity, however, and before it was complete, only the blood which had not stagnated would gravitate to the new low level. Therefore, there would be lividity in more than one part of the body, because changing the body's position would change its lowest level. Moreover, there would be blanched areas of compression where bony areas—such as the shoulder blades or buttocks—had come in contact with some object. The position of Tardieu spots, which are small hemorrhages under the skin, due to blood vessels becoming over-distended, are also taken into consideration in determining whether the body had been moved since death.

2. The *time that has elapsed since death* may sometimes be determined from the temperature of the corpse.

In life, the body temperature is normally about 99 degrees. Immediately after death occurs (except in rare cases where death is due to certain kinds of fevers and poisons), the body temperature lowers gradually until its temperature is the same as the temperature of the place where it is. The time that this process takes is influenced by the physical condition of the body prior to death and the temperature of its surroundings after death. In average cases, the exposed parts like the hands and face cool in three or four hours, while those nearest the trunk, which are clad, lose their warmth in about ten hours. Therefore, in some homicide cases, the temperature of the body when found indicates the time that has elapsed since death occurred.

### *Rigor Mortis—*

Rigor mortis is the stiffness which occurs in the muscles after death. In average cases, it begins in from two to six hours after death, is complete in about two hours, and disappears in from twelve to forty-eight hours. It begins in the muscles of the face and jaws, gradually spreads to the trunk and lower extremities, and disappears in the same sequence.

It begins and ends much sooner in infants, also in individuals who are emaciated, weak-muscled, or who have died while struggling or in convulsions. It develops and ends slowly in individuals with powerful muscles.

Cold accelerates the onset of rigor mortis and

retards its dissolution, whereas heat has a contrary effect.

*Post Mortem Decomposition—*

This usually begins in twenty-four to forty-eight hours. It is evidenced by a bluish-greenish color in the veins of the skin and on the surface of the abdomen. Cold and heat affect it.

The medical examiner takes the above factors into account in estimating the time that has elapsed since death, also many other factors, including condition of rigor mortis and whether it is complete or incomplete.

*Tracing the Weapon—*

If a gun has been used, its make, calibre, number and identifying marks on it should be noted. The number of unused cartridges and the number of discharged cartridges should be noted. Shells of discharged cartridges should be looked for in the vicinity. If evidence of this kind is found it should be examined by an expert in ballistics.

Look for bullets which may have penetrated the walls or articles of furniture. Note the angle at which such bullets entered, and if practical, remove the piece in which the bullet is embedded so that it may be produced as evidence. This is important, for should the perpetrator claim self-defense for his action, his position with relation to his victim can sometimes be determined from the angle at which the bullet entered the victim's body or the object struck.



If a knife is used, care should be taken not to remove any blood or other stain on it. Dust or other foreign matter in the handle or in the grooves should be analyzed. The importance of this action is that the dust or dirt found in the pockets or on the person of the defendant can be compared with that found on the weapon, and in this way the ownership of the weapon may be determined.

If a bottle, club, bar of iron, hatchet, or like weapon is used, the detective should note any stains, dirt, dust, fingerprints, or other marks on it. This is important for the reason that such weapon may not only lead to the identity of the assailant but may also lead to his conviction. For instance, a few years ago a woman was murdered. A piece of lead pipe, used in the crime, was left in the house. A certain person was suspected. In the cellar of his house the detectives found lead pipe similar to the piece found at the scene of the crime. When the murderer's underclothing was examined a stain was found which corresponded to the size of the piece of lead pipe. In another instance, the weapon used was a hatchet. No stains other than blood were found on it, but when the handle was removed, brick dust was found in the head socket. This led to the arrest of a bricklayer who had been under suspicion.

If a tool of any kind has been used in the commission of a crime, it is often possible to tell from the marks on it what particular trade it was used

in, in this way leading to the identification of the perpetrator.

### *Miscellaneous Clues—*

Nothing should be overlooked in a search. The least important appearing article may be of the greatest significance. A cigarette butt found at the scene may be of the same brand as those found on a suspect; or a burned match may correspond with those found in his possession. A hat left behind may contain one or two hairs to correspond with his; or it could also lead to his identification by its size, style, etc. Clothing is of the greatest value for this purpose. A coat, or any other article of wearing apparel, may have the tailor's name, by which the suspect can be traced. Laundry marks serve the same purpose. Clothing may contain dust or other matter by which identification may be made. All specimens of hair, sputum, etc., should be placed in sterilized test tubes.

If property has been stolen from the premise, particular care should be taken to get a distinctive description of it.

### *Questioning Witnesses—*

In obtaining witnesses it should be remembered that when a homicide occurs those who know anything about it, particularly those residing in the same building, or those who actually witnessed it, become greatly excited and may make statements which are not founded on fact. Conse-

quently the detective should be careful when accepting their statements. Many persons who are willing in the excitement of the moment to state all they know, will wish to avoid the notoriety if given the time to consider, and will deny knowing anything of it.

If a detective believes that a witness has valuable information which he will not disclose, or if he believes that a witness who has made a statement may not be on hand when wanted, he should detain such witness until he makes a statement before a magistrate or a district attorney.

Witnesses should be kept separate while being questioned or held, as should all suspects, otherwise a story may be framed up.

A detective's search for witnesses in a case where the perpetrator is unknown should be tireless. A person who by the wildest stretch of imagination might be able to give information should not be overlooked. A little girl playing about the door of an apartment house may have noticed someone entering or leaving it at the time the murder was committed. The janitor may have heard of a quarrel or he may have been in the confidence of the person killed, and know of his or her enemies. The next door neighbor may know of a jealous lover, and so on.

### *Establishing Motives—*

When all evidence and statements of witnesses that can be obtained at the scene have been noted and recorded, if the perpetrator or a motive is still

unknown, the detective should try to deduce from the facts learned what the motive could have been and who the perpetrator was. In making his deductions he should exercise great care not to jump to conclusions until he is positive that he is right. The motives for most murders will usually be found under the heads of:

- (a) Revenge;
- (b) Profit;
- (c) Jealousy;
- (d) Moral depravity and perversity;
- (e) Fear of disgrace;
- (f) Crank's delusions;
- (g) Homicidal mania.

If the motive is not apparent, the detective, having assembled the facts, should endeavor to deduce the motive and suspect those who would be likely to have it. If he suspects that the motive is:

1. *Revenge*—Possible suspects would be persons with whom the deceased had quarreled; criminal associates against whom he had cheated or informed; business rivals, especially if his business was an unlawful one; women with whom he had intrigues and whom he had discarded, etc.

2. *Profit*—Who would gain by his death?—persons such as heirs, beneficiaries under his will?

3. *Jealousy*—As a motive, this arises from a man's carrying on love affairs with two women, or with one woman who is married, or with any woman when he himself is married, or vice versa

in case of a woman. It may also arise from business rivalry.

4. *Moral Depravity and Perversity*—These motives apply to persons so depraved morally as to be capable of committing murder to satisfy their lust. When the genital organs of the victim are mutilated, known sex perverts who had been seen in his company should be suspected.

5. *Fear of Disgrace*—If the deceased was an unmarried female and was pregnant, who is the person likely to be disgraced by the birth of the child? Did the victim know something about another that would be likely to cause such other disgrace or great humiliation if revealed?

6. *Crank's Delusions*—Prominent persons have most to fear from cranks. There are many criminals who are consumed by vanity and desire for notoriety. Although they are not insane in the legal sense, they have insane temperaments and are considered to be peculiar by those who know them. These criminals are usually the ones who assassinate prominent persons or those who have authority over them.

7. *Homicidal Mania*—This mania may occur in any form of insanity and is often concealed or masked. Many horrible crimes have been committed by persons who have not been suspected of anything but slight derangement. The killers are often women who have been hysterical, hypochondriacal, or emotionally unbalanced. Epileptics are likely to have such impulses. The killer may think that his victim intends to destroy or

injure him, or he may have no reason other than the pleasure it brings him. Sometimes they kill because they think they have received a divine command to do so, or because he or she is tired of life and does not want to leave loved ones behind. Homicidal maniacs often show great ingenuity in executing the crime and concealing it after commission. Although they are insane to the extent that they are not normal, they may be capable of knowing the difference between right and wrong, and so be legally responsible for their acts. (See Problem 8, Page 570.)

#### *Indirect Motive—*

The killer may not have had it in his mind to cause the death of his victim, yet be criminally responsible for it, as when he causes death by committing some other crime. In investigating such a case, the facts and the circumstances of the other crime must be considered in order to detect the killer. If in such a case the death was caused by culpable negligence in connection with the operation of any mechanical apparatus, the detective handling the case should see that such apparatus is examined by an expert.

#### *Subsequent Action—*

After the detective has concluded what the motive was, the next step is to look for other evidence that might fix the responsibility on the person suspected, such as, "Was he seen in the locality?" "Did he at any time threaten to cause the death of the victim?" When reasonable grounds

for suspicion have been established, the suspect should be found and arrested. If necessary, an alarm should be sent out for him. The pursuit should be persisted in. There should be no such word as "hopeless." If a hundred clues end in failure, the one hundred and first should be followed with as much persistence as the first. Success as a policeman or detective is founded upon persistency, persistency, and more persistency.

When a suspect is arrested his demeanor and conduct should be noted, as this may be testified to in court. Note such things as attempted flight, desire to elude discovery, anxiety to conceal the crime or evidence of it. Any statement volunteered by him at the time of his arrest may be used as evidence, as may any answers made to questions. Statements so made should be immediately recorded. After they have been read by or to him it would be well to request him to sign them.

The prisoner's body and clothing and the contents of his clothing should be carefully examined for evidence of the crime, and his body photographed, if any evidence is found thereon. This is necessary for the reason that if there had been a struggle his body may show scratches or teeth marks, or blood may appear on his clothing or under his fingernails. The prisoner's place of abode or business should be carefully searched for any evidence that they might contain. Evidence so discovered should be taken, marked, or noted in the presence of witnesses.

## **The Autopsy—**

The policeman first at the scene of a homicide must identify the body to the medical examiner at the autopsy as being the body he found at the scene of the crime. The same officer should, if possible, procure the attendance at the autopsy of one or more persons, at least one of whom is a relative of the deceased, who should, in the presence of the officer, identify the body of the deceased to the medical examiner. The detective handling a homicide case should be present at the autopsy, for the purpose of obtaining any evidence that may aid him in its solution, or in convicting the perpetrator.

NOTE—In case a coroner, and not a medical examiner, is the official who performs the autopsy, the word "coroner" should be used where the term "medical examiner" is mentioned above.

## **The Trial—**

The same persons who were present at the autopsy must be present at the grand jury and trial. The policeman handling the case should obtain the names and addresses of the persons identifying the body at the autopsy, to insure their attendance at the trial.

## *Homicide Kit—*

The members of the homicide squad, New York City police department, use a homicide kit when making an investigation at the scene of a homicide. It is a black bag containing the following equipment:



One 10-inch screwdriver; one compass saw; one plain face claw-hammer; one 1½-inch wood chisel; one 18-inch steel jimmy; one pair of 12-inch shears; one pair of 8-inch pliers; one electric trouble lamp, with wire; one flash lamp, with three extra bulbs; one steel tape-measure; one 6-inch magnifying glass; one 2-inch brush; one 4-inch, one 6-inch, and one 8-inch glass testing tube; one mirror, in case; one pair of rubber gloves; one pint of alcohol; one 10-inch mill file; two saw files, one taper and one slim; ten yards of cheese cloth; two bottles of fingerprint powder, one white and one black; one tube of fingerprint ink; one fingerprint roller, and the handle therefor; one ball of heavy twine; one box of black crayon; 12 pieces of white chalk; and one 60-watt electric bulb.

### **Homicide Cases Under Different Conditions—**

The action taken in any homicide case should, in general, be as described in the foregoing; but, of course, particular action should be taken in accordance with the circumstances of the case.

#### *Body Found in Vacant Lot or Other Open Ground—*

The policeman first on the scene should take the action previously described. He should detain all persons he finds at the scene for examination by detectives and see that such persons do not trample on any footprints or tire marks that may have been left by the perpetrator.

The detective, upon arrival at such a scene,

should institute pursuit of the perpetrator, if possible; notify his commanding officer of the condition and see to it that all necessary notifications have been or are made; make careful examination of the terrain in the vicinity for footprints, tire marks and any other evidence that might lead to the apprehension of the perpetrator; make careful measurements, casts, and photographs of any footprints or tire marks made by the perpetrator or by the vehicle in which the body was transported; carefully note conditions surrounding the body; have body photographed before examination or disturbance of it; carefully examine any box, barrel, trunk, oilcloth or other wrapping in which the body is lying, or any cord or other thing on or about the body, for any marks that might lead to the identity of the former possessor or the slayer, or the victim, if unknown, and safeguard all such evidence; try to establish the length of time that had elapsed between the placing of the body where it was found and the finding of it. This can sometimes be determined by the condition of the vegetation under the body, or by weather conditions. If the ground were wet everywhere but under the body, it would at least indicate that the body had been placed there before the last rain. If the grass or other vegetation under the body was mouldy, it would indicate that such body had been there a considerable length of time. The time that has elapsed between the death and the finding of the body can be determined by its state of decomposition. A

sample of the soil should be taken, also of the vegetation, such as burdocks, as such soil or vegetation may have adhered to the perpetrator's shoes or clothing and may be found thereon if he is arrested.

### *Homicide in "Joint"—*

When the scene of a homicide is a "joint" and those found present at the scene are criminals or "toughs," all should be held as principals or witnesses until the case has been investigated or they show proof that they have no connection with it.

## **Investigation According to Method of Homicide—**

### *Homicide by Poisoning—*

Poisons may be divided into three classes—vegetable, animal, and mineral.

Arsenic and strychnine are popular with poisoners. The symptoms of arsenic poisoning are so varied that an unsuspecting doctor may mistake them for acute indigestion, and sign a death certificate accordingly. Arsenic and strychnine, however, can be detected in the body even several years after death, provided a substantial portion of the body is available. Arsenic may even be found in the hair and fingernails of the corpse. It should be remembered that there is normally a minute quantity of arsenic in every corpse.

Slow poison, which takes weeks or even months to kill, is sometimes used by poisoners, but its

presence in the body can usually be detected by a toxicologist.

The police action that should be taken in the investigation of a homicide by poisoning would, of course, depend on the circumstances of the case. However, the investigator should keep the following general points in mind:

1. Else and Garrow recommend that witnesses who observed the victim's actions prior to his death should be questioned as to whether he made any pertinent complaints or showed any of the following symptoms:

- (a) Convulsions or twitching of the muscles;
- (b) Acute thirst;
- (c) Irregular breathing;
- (d) Discharge of mucus from mouth;
- (e) Corrosion of tongue or lips;
- (f) Contraction or dilation of pupils;
- (g) Coma or heavy sleep;
- (h) Acute pains in stomach or intestines;
- (i) Delirium and clutching at imaginary objects;
- (j) Vomiting or purging;
- (k) Unusual odor from breath.

2. It is important to ascertain the following:

- (a) The time that has elapsed between the taking of the last food or drink and (i) the first symptoms of poisoning (the nature of which should be noted) or (ii) the death;
- (b) Whether any other person partook of such food or drink, and the consequences;

(c) Who administered such food or drink to the victim.

3. All the suspected food and drink should be taken into the hands of the police, also any vessel, glass, spoon, utensil, hypodermic syringe or other instrumentality in, on, or by which the poison may have been administered to the victim.

4. The premises should be searched for the kind of poison that is suspected to have been administered; for any container in which it may have been kept; and for any label, wrapper, or other thing likely to supply a clue to the person or firm from whom the poison was purchased or procured. Any such evidence found should be safeguarded.

5. A sample of the feces, vomit, and urine of the victim should be taken if any is at hand. Otherwise, possession should be taken of any towel, sheet, cloth, or other article which is stained with such matter.

6. The detective handling the case should be guided by the medical examiner's advice as to the disposition of all matter that is evidence of the kind of poison which was used. Mark any such matter for identification, if possible. If this matter is to be taken to a toxicologist for analysis, pack each unit separately in a properly labeled container. Make a record of the exact place where each unit of such matter was found.

7. Canvas drug stores and other business places where the lethal poison is likely to have been purchased or procured. If successful in locating the establishment in question, take the record of

the sale — or a copy thereof — as evidence, and get a signed statement from the person who made the sale.

### **Homicide by Abortion—**

The attention of policemen is drawn to homicides by abortion usually by the physician called to attend the patient after the abortion has been performed by someone else. In such a case, the policeman should not make an arrest except upon the positive statement of the physician or the medical examiner that such a crime has been committed. Instruments or medicines used to procure the abortion should be held as evidence, also bed-clothing or other articles which were stained by matter produced by the abortion.

### *Infanticide—*

This crime is usually committed by an unmarried mother with the object of concealing the birth and thereby avoiding disgrace. The body is usually disposed of near the scene of the birth by the mother or one of her near relatives. It may be put in a cesspool, river, or underbrush, or buried in a nearby vacant lot. The case is usually brought to the attention of the police by the finder of the body.

The detective handling the case should safeguard anything in which the body is wrapped, as it may be a valuable lead to the perpetrator.

The victims of infanticide usually present other signs of violence than those which might be

caused by the forceps or other instruments sometimes used in normal births.

### **Suicide or Homicide?—**

Occasionally the detective investigating a suspicious death finds conditions upon his arrival at the scene which make him uncertain whether the case is one of suicide or one of homicide. In such a case, he should gather facts that will aid the medical examiner handling the case to reach a correct conclusion.

#### *General Factors—*

1. The common reasons for suicide are:
  - (a) Mental illness;
  - (b) Hopeless physical infirmity;
  - (c) Fear of disgrace or punishment;
  - (d) Prolonged debauchery;
  - (e) Great and unexpected family trouble.
2. A person contemplating suicide is likely to do one or more of the following things:
  - (a) Announce his purpose by word of mouth or writing;
  - (b) Take out an insurance policy that has no suicide clause;
  - (c) Furtively procure the weapon or instrumentality he is going to use;
  - (d) Remove the clothing, if any, from the part of the body he is going to wound;
  - (e) Close all air vents in the room before he takes gas.

3. Any of the following conditions should excite suspicion that the death was homicidal:

(a) Evidence of a struggle in the place where the body is found, or bruises on the body that apparently were not self-inflicted;

(b) Body found in an unusual position, considering the weapon or instrumentality used to cause death;

(c) Bloodstains found where they probably would not be if the wound were self-inflicted (A suicide, however, may sprinkle his blood around to make it look like homicide. But a simulated suicide or homicide is usually overdone.);

(d) Lethal weapon found where it probably would not be if suicide had been committed;

(e) Two kinds of wounds on the body, the nature of each showing that the deceased could not have inflicted the second one;

(f) A wound on a part of the body on which the deceased could not have inflicted it with the kind of weapon used (Suicide wounds made by shooting are usually in the forehead, mouth, or region of the heart, and rarely in the posterior part of the body.);

(g) Angle at which bullet entered the body such as to make it improbable gun was held by deceased when the shot was fired;

(h) Absence of powder-stains on skin, clothing, or within the wound in a case where death was caused by a bullet (Powder-stains are found more often in suicide than in homicide



cases, due to the fact that a person cannot fire a shot into himself with a pistol held in his hand from a greater distance than about twenty-one inches. Moreover, a suicide usually presses the muzzle against or very near his skin.)

4. Homicides sometimes occur in which the murderer endeavors to cover up his crime by making it look like suicide. Hence, the following should be kept in mind:

(a) A typewritten note signed by the deceased and stating that he intends to commit suicide is not positive proof of suicide. For instance, a murderer might have obtained a document written by the deceased, eradicated the matter over the signature, and typed the suicide note in its place. Or a murderer might have compelled the deceased to write the note.

(b) The fact that a gun was in the hand of the deceased and the bullet which killed him was fired from it, is not positive proof that he shot himself. A murderer might have fired the shot, wiped his own fingerprints off the gun, and placed it in the hand of the corpse. In suicidal shooting, however, there is usually a spasmodic contraction of the fingers and a naturalness in their position that cannot be imparted to them by another person. Furthermore, in suicidal shooting, nitre stains may be found on the hand which fired the shot, and blood sprays would probably be found on that hand if the bullet was fired into the forehead, wounding an artery.

(c) The fact that a dead body is found in a room which is locked with the key on the inside of a door which is the only exit from the room, is not positive proof that the person committed suicide.

(i) A murderer, after committing the crime, could have left the room, closing the door behind him with the key inside, inserted a tool commonly called an *oustiti* into the keyhole from the outside, grasped the key by its tongs, and locked the door. (The common kind of *oustiti* is shaped like a pair of pliers. The tongs are usually very thin, somewhat round, and rifled on the inside to prevent slipping. When the tool is used it leaves marks that can be detected by microscopic examination.)

(ii) The murderer could have inserted some such object as a small piece of wood in the handle of the key (leaving the key on the inside of the door), looped a piece of cord over the wood, and carried the two ends of the cord by way of the side edge to the outside of the door, closed the door, pulled the string until the key was turned by the make-shift lever, continued the pull until the latter dropped to the floor inside the door, and then drew the cord outside the door. The fact that a piece of wood or similar object is found inside the door would indicate that this method had been used to lock it.

(iii) It is sometimes possible to loop a piece of cord directly around the handle of a key and by that means to lock the door from the outside, afterwards retrieving the cord and carrying it away. (A culprit **might** inadvertently discard such a cord on the premises.)

(iv) In either of the last two cases, marks caused by the drawing of the cord through the tight crevice of the closed door might be found; or cord fibres might be found by microscopic examination on the door-edge, the jamb, or the key.

*Factors in Deaths by Cutting—*

Most suicides who kill themselves with a sharp instrument use a knife or razor and cut the throat or wrist. Stabbing is uncommon in suicide, but common in homicide cases.

A suicidal wound made in the throat by a right-handed person usually begins at the left and goes toward the right. The contrary is the case with a left-handed person. There are usually superficial wounds in addition to the major wound, showing that there were tentative attempts. These are often called "hesitation marks."

Murderous throat-cuts are usually opposite in direction to those of suicide.

Sometimes the person committing suicide by cutting his throat holds the flesh with his other hand and may cut the ends of his fingers in his frenzy. On the other hand, a person who is attacked with a knife or other sharp weapon is likely to grasp it and thereby receive cuts on the palm of the hand. Hence, cuts on the fingertips would indicate suicide, while cuts on the palm of the hand would indicate homicide.

*Factors in Asphyxial Deaths—*

Deaths from *hanging*, from manual or ligature *strangulation*, from some *poisonings*, and from some *chokings* are asphyxial deaths, because in such cases there is a suspension of respiration due to the shutting off of the oxygen supply. When death is due to asphyxiation, the body usually shows visible evidence of it, such as blue

or livid face, blackish discoloration of lips and fingernails, bulging eyes, etc.

Manual strangulation may be homicidal or suicidal. As a rule, however, it is homicidal, especially death by choking with the hands, as it is almost impossible for one to kill oneself by that method. In homicidal manual strangulation there is visible evidence, as a rule, that the victim struggled to defend himself.

Most hangings—except legal ones or lynchings—are suicidal. The suicide usually stands on a chair, stool, box, or other improvised platform. Murder should accordingly be suspected when no such article has been used. However, it should be remembered that the body does not need to swing free from the ground before death occurs. If there is sufficient pressure on the arteries of the neck to stop the flow of blood to the brain, asphyxia sets in and causes death. It would therefore be possible for a person to tie a rope around his own neck, lie on a bed, attach the rope to a bedpost, and strangle himself. Strips of bed-sheets or other suitable articles are sometimes used by suicides to accomplish their purpose.

Cases are on record in which the murderer hung the corpse of his victim to make it look like suicide. In such a case, if the murderer pulled the corpse up by means of a rope, the surface fibres of that part of the rope which was pulled downward would point in an upward direction. If, on the other hand, the murderer lifted the body of his victim and placed the head in the loop, the rope fibres would not show evidence of

the maneuver; but the constriction furrows on the neck would be different from those which would be made if the hanging were real. The path of the furrow over the skin surface depends upon the kind of knot and its position. For that reason the knot on the ligature should be let stand until expertly examined. It follows that the ligature should be cut without interfering with the knot. The effect of the constriction internally will be determined by autopsy.

*Factors in Drownings—*

Suicide by drowning is a common occurrence, and the autopsy will show that drowning was the cause of death. But if a murderer threw his victim into the water while he was alive and conscious, it would be difficult to prove that the death was not suicidal—unless there were marks of violence or other evidence of homicide on the body. Occasionally it happens that the corpse of the victim of a homicide is thrown into a body of water with the object of concealing it, or to simulate suicide. If the body is found, the fact that death had occurred before it was put in the water can be ascertained by an autopsy. Therefore, such a death would be pronounced homicide unless there was proof to the contrary. The fact that suspicious contusions on a body found in water could have been caused by contact with objects in the water, must be taken into consideration in the investigation of such cases.

NOTE—Some time ago, a murderer drowned his victim in a bathtub, then carried the body away and threw it in

a river. The autopsy showed that the person had been drowned, and the case was deemed to be suicide until evidence of the murder was found.

### *Factors in Poisonings—*

Suicide by poisoning is also common. It is usually evidenced by the conditions at the place where the act was committed and by the actions of the deceased prior to his death. As a rule, a period of remorse follows the disagreeable effects, and the would-be suicide cries for help.

All evidence of the poisoning should be safeguarded by the police until turned over to the medical examiner.

The odor, if any, from the mouth of the deceased should be noted.

### *Gas Asphyxia—*

If death was due to *carbon monoxide poisoning*, it is very important to ascertain how long the person was in the noxious atmosphere, as this gas must be inhaled for a period of time before it will cause death. Cases have occurred wherein a murderer, after rendering his victim unconscious, placed him in a garage in an automobile with its motor running, closed the doors and windows, and thereby caused his death by carbon monoxide poisoning.

A murderer might also put a tube connected with an illuminating-gas jet in his unconscious victim's mouth.

Carbon monoxide poisoning can easily be detected by an autopsy, as when this poison is in-

haled it changes the chemical make-up of the blood, altering the normal blood color to a more brilliant red (see Pages 223-226).

### *Miscellaneous—*

When death is due to an extraordinary cause, the facts and circumstances in each individual case must be considered carefully before deciding whether death is suicidal or homicidal.

### **The Corpus Delicti—**

To establish the corpus delicti (body of the crime) in a homicide case, the fact that a homicide has been committed must be clearly proved. As a rule, this is proved by the finding, the autopsy, and the identification of the body of the victim. It sometimes happens, however, that the body cannot be produced, although proof of death is clear and satisfactory.

For instance, it would be satisfactory proof of death if reliable witnesses testified that the body was put in an incinerator and entirely consumed by fire, or that the victim had been thrown overboard into the ocean on a dark and stormy night, at a great distance from land or any possible rescue vessel, and was obviously drowned.

In some homicide cases the only proof of death is a few bones of the skeleton which have been identified as those of the victim. Scientists are usually able to determine whether such bones are human or animal, adult or minor—and they may be able to approximate the age—and whether

those of a male or of a female. This is especially the case when the bones of the skull and sacrum are found.

Of course, the circumstances of the death are part of this proof, and the proof is stronger if it can be shown that some article on the skeleton—such as jewelry, clothing, artificial teeth, etc.—belongs to the missing person, or that any hair from the corpse matches the missing person's.

On the other hand, if a murderer pushed his victim into a main sewer which emptied into a nearby river and the victim was never again heard of, the *corpus delicti* could not be established if it were reasonably possible for the victim to have swum to shore or been picked up by a boat. The fact that the victim was not again heard of would not be positive proof that he was dead.

A person cannot be convicted of homicide unless the alleged victim's death is established by direct evidence and his own guilt established beyond a reasonable doubt.

### **General Points on Homicide—**

1. When a person is missing and it is suspected that his body is concealed on a premises or in its surroundings, a thorough search should be made and, of course, nothing which could conceal a body should be overlooked in the search. For instance, the body may be in a trunk, box, closet, loft, well, cesspool, or pond, or under rubbish, stone, firewood, coal, hay, or straw. A newly laid patch in a floor—especially a concrete



floor—should excite suspicion. In searching a plot of ground for a buried body, suspicion should be aroused by a patch where—

- (a) The weeds are withered or effaced;
- (b) The surface is covered with brush, stones, or rubbish;
- (c) Footprints are more numerous around the edges than elsewhere.

2. Ashes should be raked for evidence if it is suspected that the body has been burned.

3. If the victim's body is found in a small pond, cesspool, well, or the like, such a place should, if practicable, be drained and searched for evidence. An electric magnet is sometimes used to search water for the lethal weapon or other metal objects.

4. Addresses, telephone numbers, diaries, letters, photographs, and the like, found in the home of the victim may supply a clue to the perpetrator and his motive. Evidence that an unknown perpetrator had searched for such articles or had taken them from the premises may also be a lead to his identity and motives.

5. The depth and breadth of a stab-wound usually indicates the kind of knife that inflicted it; but when the knife is driven into the fleshy part of the body with great force, the skin is pushed inward by the hilt and settles back to its normal position when the knife is removed. Hence the depth of the wound may be greater than the length of the blade. This also applies to daggers, dirks, and similar weapons.

6. If evidence is found that the perpetrator had been lurking outside the premises before he did the deed, search should be made for evidence at the place where he lurked—for instance, match-stubs, cigarette butts, footprints, etc. If he climbed over any rough surface during his passage to or from the premises—such as a fence, wall, or window-sill—fibres from his clothing may be found thereon.

7. Members of the victim's family should not, as a rule, be permitted to aid in the search for evidence. This applies especially when the perpetrator is unknown, for he may be a member of the family.

8. It occasionally occurs that one person kills another in the home of both, as, for instance, when a man kills his wife. Then the guilty person informs the police that the crime was committed by an unknown robber or the like, gives a description of the alleged culprit, and arranges the premises to simulate the framed-up crime. One way of trapping such a criminal is to encourage him or her to tell the concocted story in minute detail. Usually the story will not dovetail with the facts that have been learned, and when this is pointed out to the perpetrator he is likely to confess.

9. When a dead body with shoes on its feet is dragged over an uncarpeted surface, the marks made by the shoes usually indicate the direction taken.

## Measurements—

Exact measurements should be taken of the room or place where a murder was committed. Measure, for instance, the degree of opening of doors or windows, distance of the body—and of other objects that have value as evidence—from some fixed point. Also measure the distance of principal pieces of furniture, especially those which are connected with the crime—such as a chair that has been overturned in a struggle—from your fixed point.

The measurements should be taken with a regular graduated instrument; but if that is not available, hand or step measurements should be taken and recorded as such—not as feet or inches. It is better to take too many than too few measurements in all serious crimes, including arson, rape, robbery, etc.

The scene of a homicide should be photographed from various angles and also, as a rule, sketched. This is usually done by experts, especially in large police organizations. The principal object of this is to enable others to visualize conditions at the crime scene, to preserve a record of these conditions, and to enable a witness to point out objects which are connected with his statement.

## *Making a Sketch—*

The principal things usually sketched in such cases are:

- (a) Room or place where body was found, including objects therein which have significance in the portrayal of the scene;

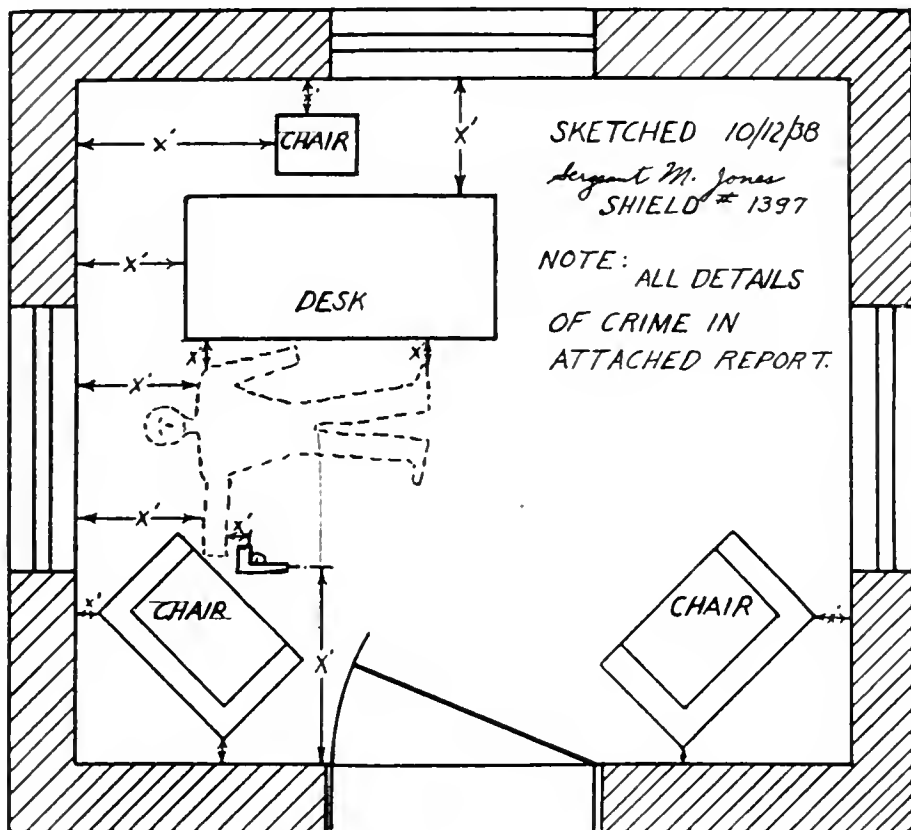
(b) Surroundings of this room or place, such as yard, outhouses, and garden.

Important points in making a sketch are—

- (a) To make it as soon as possible;
- (b) To draw the direction of the compass on it;
- (c) To have exact measurements made, preferably by the sketcher;
- (d) To avoid overcrowding the sketch, especially with objects not pertinent to the case;
- (e) To draw on the sketch the scale being used or—if it is not drawn to scale (as a rough sketch need not be)—at least to place all dimensions on it;
- (f) To measure the distance to all movable objects in at least two directions, so as to determine exactly the location of the object measured;
- (g) To attach to the sketch all notes pertinent to the case;
- (h) To date and sign the sketch and, if you were assisted in making the measurements, to have your assistant sign it also. (It may be necessary to present the sketch in evidence.)

The scale is usually in accordance with the area of the room or place which is being sketched. For example:

- (a) **Small rooms:** One-half inch equals one foot;
- (b) **Large rooms:** One-quarter inch equals one foot;



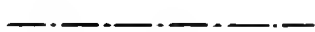
EXAMPLE OF SKETCHING

### CONVENTIONAL SIGNS

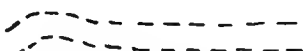
HOUSE



FENCE



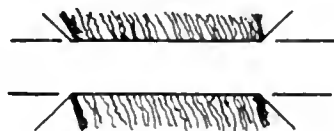
ROAD



R.R.



BRIDGE



STREAM



(c) **Small buildings:** One-eighth inch equals one foot;

(d) **Large buildings:** One-half inch equals ten feet;

(e) **Group of buildings** (such as a village): One-eighth inch equals ten feet;

(f) **Area of a mile square or more:** One-eighth inch equals one hundred feet.

A rough sketch can be made by any intelligent policeman.

In making a rough sketch of an average-size room, for instance, all the equipment needed is a few sheets of sketching paper, some pencils, a scale, and a tape measure.

To insure the necessary precision, one should place the sheet on a table or other flat surface, securing it so that it will not slide.

In sketching outdoors, various conventional signs are used, but in rough sketching the outline of the object is indicated and its name written in the outline, as illustrated on page 241.

### **Resume of Homicide Case—**

In New York City, the detective in charge of a homicide case sees to it that the form illustrated in the Appendix is made out. It is a practical guide to the procedure that should be followed in the investigation.

# CHAPTER X

## CLASSIFYING AND INVESTIGATING SELECTED CRIMES

### ARSON (New York State Penal Law)

#### DEFINITIONS—

##### Sec. 320. Building—

Any house, vessel, or other structure, capable of affording shelter for human beings, or appurtenant to, or connected with a structure so adapted, is a “building” within the meaning of this article.

##### Inhabited Building—

A building is deemed an “inhabited building” within the meaning of this article, any part of which has usually been occupied by a person lodging therein at night.

##### Night Time—

The words “night time,” as used in this article, include the period between sunset and sunrise, and every building or structure, which shall have been usually occupied by persons lodging therein at night, is a dwelling house within the meaning of this article.

##### Attempt to Burn—

The placing of any inflammable material or substance in or about any building, not commonly used for the storage of such materials and substances, or the placing of any device or contrivance, capable of producing fire, either of itself or by electrical, mechanical or

chemical means or otherwise, or the placing of any candle, torch or other instrument capable of being lighted or ignited, for the purpose or intent of causing a fire then, or at some later time, or the inducing of another to set fire to any building or any personal property of himself or of another, shall constitute an attempt to burn within the meaning of this section.

### §221. ARSON IN FIRST DEGREE

A person who wilfully burns, or sets on fire, in the night time:

1. A dwelling-house in which there is, at the time, a human being; or,
2. A car, vessel, or vehicle, or a structure or building other than a dwelling-house, wherein, to the knowledge of the offender, there is, at the time, a human being,

Is guilty of arson in the first degree.

### §222. ARSON IN SECOND DEGREE

A person who:

1. Commits an act of burning in the day time, which, if committed in the night time, would be arson in the first degree; or,
2. Wilfully burns, or sets on fire, in the night time, a dwelling house, wherein, at the time, there is no human being; or,
3. Wilfully burns, or sets on fire, in the night time, a building not inhabited, but adjoining or within the curtilage of an inhabited building, in which there is, at the time, a human being, so that the inhabited building is endangered, even though it is not in fact injured by the burning; or,
4. Wilfully burns, or sets on fire, in the night time, a car, vessel, or other vehicle, or a structure or building, ordinarily occupied at night by a human being, although no person is within it at the time; or,
5. Wilfully burns, or sets on fire a vessel, car, or other vehicle, or a building, structure, or other erection



which is at the time insured against loss or damage by fire with intent to prejudice or defraud the insurer thereof, or the insurer of any articles of property therein,

Is guilty of arson in the second degree.

### §223. ARSON IN THIRD DEGREE

A person who wilfully burns or sets on fire a vessel, car, or other vehicle, or a building, structure or other erection, or who wilfully and maliciously burns or sets on fire any personal property of another person, such personal property being of a value of twenty-five dollars or over, under circumstances not amounting to arson in the first or second degree,

Is guilty of arson in the third degree.

### How Fire-Bugs Operate—

The motive for incendiary fires may be classified under four general headings: (a) Profit; (b) Pyromania; (c) Revenge; and (d) To Conceal Crime.

As profit is the motive in the majority of such fires, it is reasonable to suppose that fires of incendiary origin would be of rare occurrence if there were no insurance policies issued, or if such policies were only paid on actual losses.

Persons who perpetrate the crime of arson are found in almost every walk of life. In fact, amongst a certain class of our population a fire is looked upon as a rare stroke of good luck rather than a calamity, particularly so if the person is insured with a company that, for the purpose of advertising its business, readily pays without investigation claims greatly in excess of the loss sustained.

Persons who make fires for profit may be divided into two classes:

(a) *Dishonest Persons* who are desperate because of financial reverses and who try to recoup their losses by the collection of insurance. Many of these persons are found to be merchants who have a stock of goods that are unseasonable or unfashionable, or whose salesmen failed to secure expected orders, etc., and who, as a consequence, are on the verge of bankruptcy. This class make the fire themselves, or they may hire a professional fire maker or a trusted employee to do the work for them.

(b) *Professional Fire-Makers*—This class is the most dangerous, and consist of men and women who make arson their regular business, either by hiring their services as incendiaries to others, or by setting fire to their own property after insuring it for an amount greatly in excess of its value.

#### *Hired Incendiaries—*

Fire-makers who work for hire usually operate in bands, and obtain customers among business people by following bankruptcy proceedings, or other suits against merchants which show them to be in business difficulties. If the merchant in trouble is a likely prospect, he is approached at the psychological moment and a proposition made to tide him over his financial difficulties by making a fire, the maker either to receive a certain

percentage of the amount collected, or to be paid a specified sum for the job. Business may be solicited from a likely prospect who is a householder, storekeeper, or manufacturer, by impressing him with how easy it is to obtain money through fire insurance. If the householder or storekeeper acquiesces, he or she is instructed to take out an insurance policy for an amount greatly in excess of the value of the household effects or goods in stock. After this policy has been obtained, a reasonable length of time is permitted to elapse so as to avoid suspicion, after which the fire is made.

*Dodges of Professional Fire-Makers—*

Professional incendiarists who burn, or cause to be burned, their own property, insure their household effects, stock, or other personal property, for an amount greatly in excess of its value; or it may be that at the time of insurance of the property the same is equal to the amount of insurance taken out. In such cases, the property is removed before the fire takes place and property of a lesser value substituted. For instance, an automobile may be insured for an amount equal to its value. Before the fire is set the automobile is removed and an old automobile substituted and burned, the claim, of course, being made for the value of the automobile that was insured. Or prior to the fire a lot of valueless clothing or other stock may be installed for the purpose of exhibiting it when burned as proof of great loss,

fake invoices and false affidavits being submitted to prove that the goods were regularly purchased.

After collecting insurance on a fire or two in the same locality, professional incendiarists, to avoid suspicion, usually move to some distant location before again committing arson, and change their names and identities to make discovery more difficult.

### *Other Types of Arson—*

Pyromaniacs are often found to be male and female mental defectives, epileptics, etc., who take an insane delight in setting fire to buildings and in the excitement caused by the fire they have set.

Arson for revenge is not of frequent occurrence. The persons resorting to such methods are often jealous lovers, who being jilted by their lady love, "smoke her out" by setting fire to her abode; or employees who have a real or fancied grievance against their present or former employer; or persons confined in institutions who are angry at those who supervise them; or persons jealous of a business rival's success, etc.

Arson to conceal a crime is of rare occurrence, usually only resorted to to conceal serious crimes such as homicide, burglary, etc., the perpetrator hoping to avoid detection through the destruction by fire of all evidence of his crime.

While arson is the most murderous and dangerous of all crimes, its prevention is almost impossible because persons inclined to commit this crime usually find the opportunity to do so. De-

tection and conviction is difficult because it is by the rarest chance that a firebug is caught in the act; and professional arsonists usually plan the fire so skillfully that all direct evidence of incendiarism is destroyed. The prosecution usually depends on circumstantial evidence to secure a conviction.

### **Investigation of Fires—**

#### *Preliminary Police Action—*

Usually, a uniformed policeman is the first policeman to appear at the fire. If he finds evidence that the fire is of suspicious origin he should immediately notify the desk officer to send detectives; safeguard all evidence of arson; detain any witness or suspect he finds; and make careful observation of the condition of premises. When the detective arrives, he should inform him of the facts he has learned and be guided in his further action by his instructions.

A detective investigating a suspicious fire should, upon arrival at the scene, question the patrolman first at the fire as to what latter had learned and done, and should make particular inquiry as to who first discovered the fire, who sent the alarm, who first entered the burning premises, how such entry was effected and if the doors or windows through which such entry was effected were closed or locked. He should cooperate with the fire marshal in this investigation.

*Examining the Premises—*

On entering the burned premises, the detective should endeavor to determine how the fire originated, keeping in mind that fire-bugs who make fires for profit often resort to the following methods to start the fire:

(a) A lighted candle is placed amongst combustible material, being of sufficient length to burn several hours before igniting such material. Trailers of joss sticks, cotton goods, paper, twine, relayed by matches, excelsior, etc., are often used to carry the fire from the place where it was set to other parts of the premises.

(b) Animal bladders containing benzine or some such inflammable substance may be suspended over the material first burned, so that when such bladders are heated by the flame they burst.

(c) In stable fires a candle may be placed in a stall in the midst of hay and trailers of hay made leading to the other parts of the stable with the result that the flame is carried in all directions.

(d) A board in the floor may be raised and burning cotton waste soaked in oil may be placed between the beams, and the flooring replaced to give the appearance of spontaneous combustion.

(e) Fire may be started in several places in the same premises, particularly in clothes clos-

ets, oil or other combustible material being spread about to carry the flames.

(f) Powder or other explosive may be placed in combustible material such as mattresses, a time fuse being attached.

(g) The gas may be left turned on so that when the fire gains headway an explosion takes place.

(h) Electricity may be coupled with incendiary devices that practically disintegrate in the flames.

If the detective discovers that the fire was of incendiary origin, all evidence of the burning should be carefully noted and safeguarded. Such evidence, however, should not be removed from the place found, or disturbed in any manner, except with the fire marshal's permission, particularly so if the fire marshal's representatives are going to photograph the scene.

### *Clues to Arsonist's Preparations—*

As fire-bugs who use candles to start fires frequently remove part of the candle before lighting, so as to time the burning, a search should be made for the part removed, if any, and for other candles of the same kind that may be on the premises. If oil, or other combustible substance were used, the vessel or bottle should be sought and safeguarded, and be scrutinized for fingerprints, as should also any paper, box, package, etc., in which oil, candles, or combustible material may have been wrapped when purchased.

An important point to remember is that practically every material burns at a different temperature. For instance: A gasoline flame burns at 1500 degrees Fahrenheit; but burning sugar creates a temperature of only 700 degrees. Each individual flame temperature leaves different microscopic marks on burned wood and on the remains of other burned materials. With a knowledge of such temperature tables, the trained investigator can tell what material caused the fire.

Any precautions that the incendiary may have taken to prevent the fire being discovered before it got headway, such as drawn blinds, placing of covering over the windows, etc., should be carefully noted, as well as evidence that an incendiary prior to the fire removed articles of value such as jewelry, oil paintings, silverware, expensive clothing, valuable papers or records, valuable merchandise, or in the case of stable or garage fires, valuable horses or automobiles. Valuable papers, jewelry, etc., so removed, may sometimes be found on the person profiting by the fire, or on the person of a member of his family, or in their homes. Bulky articles so removed may be found in the houses or places of business of his confederates or friends. Burned clothing or other goods should be examined to see if they are old, unfashionable, or unseasonable.

### Tracing a Suspect—

Witnesses who have seen any person entering or leaving the premises, shortly before the fire,



should be sought for and examined. The last person known to be on the premises should be questioned as to the time he left; the conditions therein at the time; how he secured the premises; where were the keys; who had access to said keys; and so on.

The owner of the premises and any person suspected of aiding him in the arson should be cross-examined as to their whereabouts immediately prior to and during the fire, and any alibi they may offer should be investigated. In the cross-examination of such suspects the following points are important:

*Suspect's Record—*

1. Was he ever arrested, and for what?
2. Was he ever known by any other name?
3. Did he have any previous fires? If so, where? Where did he formerly reside or do business? Was he ever bankrupt?
4. Is he a gambler; drunkard; or a person living beyond his means?

*Suspect's Motives—*

Is he being sued by creditors? What is his financial standing? Is the volume of his business as large as it was a year previous? Is his stock unseasonable or unfashionable? Has he lost money by gambling in stocks? Is he losing money in his business? Has he family trouble?

*Preparation for Arson—*

1. How much insurance does he carry, and did he increase it recently? Is he over-insured?
2. Has he removed any property from the premises since last insured and to where? Did he substitute goods of less value?
3. Did he remove valuable documents from the burned building shortly before the fire, such as invoices, insurance papers, bank books, ledgers, etc.; or if fire was in his residence, did he remove from there any jewelry, silverware, expensive clothing; musical instruments; family bible; child's diploma, marriage certificate, etc.? Where were such things removed to? Had he any safety deposit box rented prior to the fire?
4. Did he, prior to the fire, purchase any combustible or inflammable material, or have any electric devices installed in the burned building?

All statements made by the suspect should be carefully noted. A hasty arrest should not be made, unless there is danger of the suspect's escaping. If an arrest is made, the suspect's person and residence should be thoroughly searched for property such as papers, records, jewelry, etc., which he may have removed from the scene. Of course, the person profiting by the arson may not himself have made the fire, but if he procured or induced any other person to commit such act for him, he is as guilty as such person.

### *Pyromaniacs—*

Pyromaniacs, intending to commit arson, usually enter cellars, public hallways of tenement houses, vacant houses, vestibules, areaways, stables, or such like places and on the impulse of the moment start the fire with anything they find handy to their hand, such as paper, rubbish, hay, straw, or the like, rarely using oil or other explosive substance. In some cases they set several fires within the same hour in the same locality. After starting the fire they sometimes report it to a policeman or other person, or they may send an alarm. After doing so they may return to the scene of the fire to aid in the work of rescue or to enjoy the excitement the fire creates.

They often reside in the locality where they create fires. A detective investigating a fire which he believes to be the work of a pyromaniac should particularly suspect persons living in the locality who are known to be mental defectives or epileptics and who discovered the fire, turned in the alarm, or were seen acting suspiciously at the scene.

### **Arson or Accident?—**

A questioned fire may be due to an accidental or natural cause. This should be kept in mind in the investigation of a suspicious fire.

A fire is sometimes accidentally caused by:

- (a) Badly insulated electric wires;
- (b) Spontaneous combustion;
- (c) An electric motor in contact with dust;

(d) An inflammable article hanging near an unenclosed light;

(e) An electric iron left on a garment, unattended, with the current turned on;

(f) Fumes of volatile inflammable oil or escaping illuminating gas, exposed to flame;

(g) A lighted kerosene lamp overturned by a dog or cat;

(h) Faulty heating equipment;

(i) The butt of a lighted cigar or cigarette thrown carelessly on easily ignited material;

(j) Lightning.

## EXTORTION AND BLACKMAIL

These crimes are aggravated forms of larceny, but not so grave as robbery. The object of the perpetrator is to obtain profit, for himself, by his unlawful act. He accomplishes his purpose by putting his victim in fear of either harm to himself, a member of his family, or a relative.

His threat may be to expose a secret, accuse of crime, inflict a physical injury, damage property, publish a libel, deprive of lawful right, etc.

A public official, or one pretending to be such, who obtains property unlawfully by threatening to use official power against his victim is an extortionist; but if a public official accepts profit by neglecting to perform his duty, he is guilty of accepting a bribe.

The crime of blackmail is completed when the document containing the unlawful threat is dis-

patched to the victim. And if the victim complies with the demand the culprit is also guilty of extortion. But if the threat is oral, the crime is only attempted extortion, unless property of some kind is unlawfully obtained as a result.

The methods used by criminals in committing blackmail or extortion are based usually on the circumstances of the case. But many professional criminals of this kind operate along the following lines:

### **Extortion by Threat of Unlawful Injury—**

Most of the criminals who extort money by threatening to do unlawful injury to the person or property of another are emigrants from Southern Europe, or the off-spring of such stock. These persons usually reside in the sections of the city colonized by persons of the same nationality, who, in most cases, are the victims of their unlawful acts.

These criminals generally operate in the following manner:

Three or four of them, who usually have a bad reputation in the locality in which they reside, combine with one another and select a fellow-countryman who is prosperous and a likely victim. One of their number, or a confederate who has gained the intended victim's confidence by posing as his friend, seeks every opportunity to engage the victim in friendly converse on the subject of blackmailers and what desperate criminals they are.

When it is felt that the victim's mental state is such that he can be easily frightened, a letter is sent to him commanding him to leave his residence and proceed at a certain time and date, by a special route, to a designated place, and either give a certain sum of money to a person who will identify himself by a prearranged password, or place such money under a stone, or the like, threatening him with dire vengeance upon failure to comply or information being given to the police.

After the victim reads the letter, the false friend usually visits him for the purpose of finding out its effect, adroitly introducing the subject of blackmailers. If the victim confides in him relative to the contents of the letter, he is advised not to inform the police, but to pay the money, thereby avoiding the awful danger that confronts him.

If the victim signifies his intention of meeting the demand, the false friend informs the blackmailers of the fact.

From the time the victim receives the letter until the time he is to leave his home to deliver the money, he is usually kept under observation, to see if he visits, or is visited by the police. From the time he leaves his home to deliver the money, until he reaches the place designated for delivery, he is usually trailed by one of the blackmailers. If his actions are in no way suspicious, the money is received from him and the transaction concluded.

If, however, the victim excites suspicion by his

actions, or if there is any suspicion that the police have been informed, none of the criminals will be at the place designated for the delivery of the money. Consequently, the victim returns home. In a few days he receives a second letter stating that the money was not accepted because the police were hiding at the place where it was to be delivered, and that he is suspected of having informed them. The victim is again commanded to take the money to another designated place, usually in a different locality, and threatened upon failure to comply, with vengeance, swift, sure and terrible. If the victim takes the money to the designated place and there is no suspicion of danger, the money is accepted, and the transaction terminated.

If, upon receiving a blackmailing letter, the victim fails to comply with the demand made in it, or, to the knowledge of the blackmailers, informs the police, a bomb is made, usually by placing black powder and slugs in the center of a ball of tightly rolled paper, through which a fuse is inserted; or dynamite may be used. This bomb is taken by one of the conspirators to the residence or place of business of the victim and at an opportune moment the fuse is lighted, usually by a cigar or cigarette, which the blackmailer is smoking. The bomb is then placed in the hallway of the victim's residence, or the doorway of his store. The fuse is timed so that the blackmailer has several minutes in which to leave the scene before the explosion occurs. The explosion, particularly

if black powder is used, rarely does much damage. Sometimes a stink bomb is set off in the victim's place of business.

The victim is then sent another letter by the blackmailers, threatening him with future injury of a more serious nature unless he complies with their demands. If the victim proves stubborn, another bomb may be exploded, but usually the attempt to extort is abandoned.

Sometimes blackmailing letters, demanding money and threatening injury, are sent to victims who are engaged in business, for the purpose of frightening them into moving such business from a particular locality.

### **Extortion by Threat to Cause Disgrace—**

The most frequent offenders in this class of crime are clever and intelligent male and female persons, who prey upon men and women of lax morals.

These criminals have various methods of operation, but the one most frequently used is as follows:

A young and attractive woman, who is usually one of a band, enters into a flirtation with a likely victim in a hotel lobby or restaurant. The victim is encouraged into making advances of an improper nature, which are received with assumed reluctance, but which terminate, usually, in an act of sexual intercourse. After one or two of such acts take place, the woman suggests to the victim, that a visit to some place, out of the state, would please her.



If the victim complies with the suggestion, the woman informs her male accomplices, who trail them to the hotel. After the victim has registered the woman as his wife and entered a bedroom with her, he is visited by the male associates who represent themselves as United States officials and threaten them with arrest under the Compulsory Prostitution act. The victim usually pays these supposed officials in order to avoid arrest.

Sometimes the extortionists try to keep within the law, by operating in the following manner:

Just as the victim registers in a hotel in another state, one of the extortionists will push him, so that he steps on or falls against another extortionist, who pretends to be injured, and indignant, and looks at the hotel register to ascertain the victim's name. The victim usually registers under a false name.

When the victim returns to his home, one of the extortionists, sometimes representing himself as an attorney, calls on him and states that his client, who is supposed to be the person injured at the hotel in the foreign state, is going to bring suit for damages, and use the victim's wife, who was with him in the hotel, as a witness. The victim, afraid of this disgrace, notoriety and possible conviction for compulsory prostitution, pays to have the suit dropped.

Foolish married women are often the victims of extortionists. The following is one of the methods frequently used:

Some man, gentlemanly in appearance and a

good dancer, forms the acquaintance of an unescorted married woman, who has reached the foolish age, and flatters her vanity by telling her how well she looks and dances. The acquaintance is usually made in a night club, and strengthened by visits to other places, culminating in a visit to a seashore hotel. There, a female, claiming to be the wife of the man, enters, and finding them in a compromising position, threatens divorce proceedings. The victim is induced by the man to pay his supposed wife money to avoid the disgrace and notoriety of such proceedings.

### *The "Badger Game"—*

Another method used in this form of extortion is known to the police as the "badger game." It is usually worked in the following manner by a man and woman:

A woman, usually young and attractive, flirts with a likely victim in a hotel parlor, cabaret, prominent thoroughfare, etc. In the course of the conversation she informs the victim that her husband is out of town and that she is out for a good time.

If the victim has similar inclinations, he is invited to her home. The acquaintance generally proceeds to such intimate relations that the victim removes his outer clothing and otherwise compromises himself. At the psychological moment the confederate knocks, or rings the bell, and the woman pretends to be greatly frightened, informs the victim that her husband has returned,

often inducing the victim to conceal himself in a clothes closet, etc.

The supposed husband is then permitted to enter, pretends to be suspicious, and searches the premises. Upon finding the victim he displays great anger, and threatens him with arrest.

The supposed wife intercedes for the victim, claiming that he is simply a friend and innocent of any wrongdoing, stating his name and address, if she has learned it. A money settlement is suggested and the victim, usually, parts willingly with any property he possesses, leaving the premises a wiser, if not happier man.

### **Extortion by Racketeers—**

Racketeers who obtain money from business people for promised protection of one kind or another, and use compulsory methods to get such money, are guilty of extortion.

### **Investigation of Blackmail and Extortion—**

The detective investigating a case of blackmail or extortion must be guided by the circumstances of the case. The following are points to be remembered:

1. The blackmailing document, and its envelope, if any, may supply an important clue.

2. The culprit may have the victim or prospective victim under observation to see if she or he visits the police; therefore, the detective should safeguard against this in his contact with the victim, and should instruct the victim

how to maintain contact with him without being observed.

3. When a prospective victim informs a detective of the attempt made on him, the detective and he should mark and note the serial numbers of the bills by which the culprit is to be trapped, and also mark any wrapper in which they are placed.

4. The detective should endeavor to conceal himself at or in the place where the money is to be turned over, so that he can observe the transaction. Sometimes when this is not practical a dictograph is installed and the conversation listened to from a place of concealment outside of the premises.

5. If a messenger has been sent for the money, he should be trailed until he makes contact with the culprit.

6. If there is any likelihood of the culprit coming to or leaving the scene in an automobile, the detective should have a car in readiness for the purpose of pursuit if necessary.

7. Sometimes when an offender is caught with the goods he claims that the officer who arrested him slipped the marked money into his pocket. The detective concerned should safeguard against this by having a witness to the transaction, if possible.

## **New York State Law on Extortion and Blackmail—**

### *Extortion Defined—*

Extortion is the obtaining of property from another, or obtaining the property of a corporation from an officer, agent or employe thereof, with his consent, induced by a wrongful use of force or fear, or under color of official right.

### *What Threats May Constitute Extortion—*

Fear, such as will constitute extortion, may be induced by an oral or written threat:

(a) To do an unlawful injury to the person or property of the individual threatened, or to any relative of his or to any member of his family, or to a corporation of which he shall be an officer, stockholder, employe or agent; or,

(b) To accuse him, or any relative of his or any member of his family, of any crime; or,

(c) To expose, or impute to him, or any of them, any deformity or disgrace; or,

(d) To expose any secret affecting him or any of them; or,

(e) To kidnap him or any relative of his or member of his family; or,

(f) To injure his person or property or that of any relative.

A person extorting any money or other property from another by orally using above threats, under circumstances not amounting to robbery,

is guilty of a felony. But if he fails to accomplish his purpose he is guilty only of attempted extortion.

*Blackmail Defined—*

A person who, knowing the contents thereof, and with intent, by means thereof, to extort or gain any money or other property, or to do, abet, or procure any illegal or wrongful act, sends, delivers, or in any manner causes to be forwarded or received, or makes and parts with for the purpose that there may be sent or delivered, any letter or writing, threatening:

- (a) To accuse any person of a crime; or,
- (b) To do any injury to any person or to any property; or,
- (c) To publish or connive at publishing any libel; or,
- (d) To expose or impute to any person any deformity or disgrace,

is punishable by imprisonment for not more than fifteen years.

A person who sends, or aids or abets the sending of, a blackmail document containing threats such as above is guilty of the crime of blackmail as soon as the document is sent to the victim, and if he obtains property by such crime he is also guilty of extortion.

**The Federal Law—**

The following is the Federal criminal law on the matter:

U. S. Code §338a. **Mailing threatening communications**—Whoever, with intent to extort from any person any money or other thing of value, shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter, to be sent or delivered by the post-office establishment of the United States, any written or printed letter or other communication with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any threat (1) to injure the person, property, or reputation of the addressee or of another or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse the addressee or any other person of a crime, or containing any demand or request for ransom or reward for the release of any kidnaped person, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

§338b. **Same; mailing in foreign country for delivery in United States**—Whoever, with intent to extort from any person any money or other thing of value, shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter of any foreign country any written or printed letter or other communication of the character described in section 338a of this title, addressed to any person within the United States, for the purpose of having such communication delivered by the post-office establishment of such foreign country to the post-office establishment of the United States and by it delivered to such addressee in the United States, and as a result thereof such communication is delivered by the post-office establishment of such foreign country to the post-office establishment of the United States and by it delivered to the address to which it is directed in the United States, then such person shall be punished in the same manner and to the same extent as provided in section 338a of this title: **Provided**, that any person violating this section may be prosecuted either in the district into which such letter or other communication

was carried by the United States mail for delivery according to the direction thereon, or in which it was caused to be delivered by the United States mail to the person to whom it was addressed.

## BURGLARY

### Burglary in General (New York State Law)—

The elements that constitute the crime of burglary are practically the same in all of our states. In order to constitute that crime there must be three elements present:

1. Breaking into a building.
2. Entry into such building.
3. Intent to commit a crime therein.

#### *A Building Means—*

(a) Anything that has a roof and four sides used by mankind to shelter himself or his property.

(b) Apartments in a building which are separately used and occupied; such as the various flats in an apartment house, offices occupied by different tenants in an office building.

(c) Vessel, railway car, booth, tent, or other enclosure used for trade or commercial purposes.

NOTE—A tool box, bread box, coal box, or the like, is not a building within the meaning of the law. But a watchman's shanty, tool house, enclosed sidewalk stand or the like, is a building.



*Break Means—*

(a) Breaking or violently detaching any part, internal or external, of a building; or,

(b) Opening for the purpose of entering, by any means any outer door of the building, or any door in it leading to separate apartments: or,

(c) Opening by any means whatever, any window, shutter, scuttle, or other thing used for covering an opening in the external part of the building; or any opening to any separate apartment therein; or for separating one apartment from another; or,

(d) Gaining entrance by threat or artifice; or,

(e) Gaining entrance by collusion with a person therein; or,

(f) Entering through any pipe, chimney, or other unusual opening; or,

(g) Gaining entrance by excavating, digging, or breaking through under the buildings, or the walls or foundations thereof; or,

(h) Being in a building committing a crime therein and breaking out of same.

*Entry Means—*

(a) The physical entrance of the burglar, or

(b) His insertion into a building of any part of his body; or of any instrument, weapon or thing, held in his hand, for the purpose of in-

timidating any person therein, or for the purpose of removing property.

*Intent to Commit a Crime—*

If a person breaks and enters a building or separate apartment therein unlawfully, it is presumptive evidence that he intended to commit a crime therein. Any crime he commits in the building after breaking and entering is an additional offense.

*Examples of Breaking—*

(a) Black found the outer door of White's apartment house open. He entered with the intent of committing a burglary, but did not break in. By doing so he committed the crime of unlawful entry.

While in the building he broke into a flat occupied by Jones and stole property. By doing this he committed burglary and larceny. After leaving Jones' flat, he broke into an adjacent flat occupied by Smith. By doing so he committed another burglary. Therefore, while in White's apartment house he committed the crimes of unlawful entry, larceny and two burglaries.

(b) Black, intending to commit a crime in White's warehouse, hid himself in a packing case outside of it; White's employees not knowing this carried the case into the warehouse. Black by such act committed burglary.

(c) Black entered a barn through an open

doorway, for the purpose of killing a cow and stealing its meat. After he had entered he closed the door; when he had killed the cow he opened the door and carried the meat away with him. Black by such action committed burglary and larceny. If he had simply hidden in the barn with such object, before it was closed, and, after it had been closed by someone else, he committed such crime and broke out, such act would also constitute burglary and larceny.

(d) Brown intending to commit a crime in a building, gained entrance by climbing down the chimney. By doing so he committed burglary.

### *Examples of Entry—*

(a) Black broke a small hole in the show window of a jewelry store, with the intent of stealing jewelry displayed therein. He inserted a hooked wire through the hole for the purpose of taking some of the jewelry, but being unable to accomplish his purpose, he abandoned the attempt. Black's act constituted burglary, because he broke the window. He entered the premises by inserting the wire therein, and his intent was to commit the crime of larceny.

(b) Black intending to abduct White's daughter, forced a window open in White's house; inserted a gun through the opening, pointed it at White, and commanded him to open the door. Black committed burglary and assault by such act, even though White did not open the door.

*All Three Elements Essential—*

If all of the three elements which must be present to constitute burglary are not contained in the act of the offender, he is not guilty of burglary.

*Examples—*

(a) Black resided next door to White. He came home in an intoxicated condition and mistook White's house for his own. He gained entrance to it by forcibly opening a door. His act did not constitute burglary, because he had no intent to commit crime therein. His act, however, may have constituted disorderly conduct.

(b) Black left his suit of clothes at a tailor's shop to be repaired, and promised to call for them at a certain time. He did call then and found the shop closed. Needing his suit badly, and not being able to find the tailor, he broke into the store and took his suit. His act did not constitute burglary, because he had no intent to commit crime.

(c) Black, a vagrant, found the door of a private dwelling open. He entered to ask for food. Finding no one in the premises, he laid on a couch and went to sleep. His act did not constitute burglary, because neither the element of break nor intent were present.

(d) Black, finding the outer door of White's house open, entered and stole a coat from the hallway. He committed larceny by doing so.

but not burglary, as the element of break was not present. He could also be charged with unlawful entry.

### **First Degree Burglary (New York State Law)—**

A person is guilty of burglary in the first degree whose act contained all the following points:

1. He entered the dwelling house of another in which there was a human being.

2. His intention was to commit a crime therein.

3. He entered in the night time.

4. (a) He was armed with a dangerous weapon. (b) He armed himself therein with a dangerous weapon. (c) He was assisted by an accomplice actually present. (d) He assaulted a person in effecting such entrance, committing the crime, or escaping.

### **Second Degree Burglary (New York State Law)—**

A person is guilty of burglary in the second degree who breaks and enters a dwelling house in the night time with intent to commit a crime therein under circumstances not amounting to burglary in the first degree.

### **Third Degree Burglary (New York State Law)—**

A person is guilty of burglary in the third degree who commits a burglary under circumstances not amounting to first or second degree burglary; or, being in a building, commits a crime and breaks out of same.

### Investigation of Burglary—

The detective assigned to investigate a burglary should, upon arrival at the scene, closely observe conditions to inform himself as to whether the burglary was bona fide or "framed up" to collect insurance. Many unscrupulous persons use this method of making "easy money."

In a recent case, the detective, in examining marks of a jimmy on a door which had been forced, discovered that such marks had been made from the inside.

The complainant in the case, on cross-examination, broke down and admitted that he himself had "framed" the burglary.

In another case, the door was supposed to have been pushed in from the outside. The screws and bolts were lying on the floor where they were supposed to have fallen.

The detective, from his investigation, concluded that the force used could not possibly have caused either the bolt or screws to fall to the particular place on the floor where they had been found.

The complainant, in this case, on cross-examination, admitted that he had "framed" the burglary.

The detective, however, should not make the mistake of suspecting every complainant of making a false allegation where the case is obscure.

When in doubt he should proceed in the same manner as he would if positive that the allegation was true.

The next step is to determine the time the burglary was committed, where the burglar entered, and how such entry was effected.

*Entry Clues Avoided—*

If the evidence of such entry is not clear, such as a forced door, window or the like, the detective should not jump to the conclusion that the servants or employees of the building were responsible for the theft.

Sometimes skillful thieves leave little, if any, trace of their presence.

The rope ladder thief can climb down his ladder, the only apparent evidence of his mode of entrance being an open bathroom or courtyard window, to which no significance is attached.

The thief who enters by false keys often locks the door behind him when leaving.

The "supper worker" often climbs along a cornice from a vacant house several doors away, gaining entrance through an unfastened window.

The expert lock opener can unfasten the spring bolt of a door with corset steel, leaving little, if any, trace of his act.

Consequently the detective should make the most careful investigation before attributing an unexplained burglary to the servants or employees, or to persons who had made social or business visits to the premises prior to its commission.

*Discovering Clues—*

If the entrance had been effected through a window, even though the burglar closed such win-

dow after his exit, a skillful detective can usually tell the particular window entered, by examining the outside thereof for such marks as dust having been brushed from the cornices or sills by the passage of the thief; or his footprints or fingerprints may be found thereon.

If a spring bolt on the door or a window catch on a window has been sprung back to gain entrance, the nose of the bolt or the spring of the catch or the surrounding woodwork will usually show scratch marks from the instrument used.

If a jimmy or other instrument has been used to force entrance or to force open locked drawers, the marks made by such instrument should be carefully noted and measured. A wax cast should be taken of them, if practical.

This is important for the reason that not alone will such marks give a general idea of the instrument used, but they may also lead to the conviction of a suspect found in possession of an instrument which fits the particular kind of mark made.

The next step is to find out what the thief did after entering, and whether he had left any clues that might lead to his identity. For this purpose the detective should try to follow in the footsteps of the thief, to wit, from entrance to exit, searching for every scrap of evidence that might lead to his identification. If he had left footprints, these should be measured and noted.

Every article on which his fingerprints might be found should be closely scrutinized. Any found



should be developed at the scene or, if practicable, the article on which they appear should be removed for later development.

If he left anything that indicated a particular habit, such as cigarette butts or the like, such thing should be noted.

Any tool or instrument left by him is of particular importance, as very often it can be determined, as regards tools, by the marks or notches on them, whether they have been used for certain work; or if examined with a magnifying glass, particles of the material on which they were previously used may be found thereon.

Facts so ascertained may possibly lead to a particular suspect.

### *Obtaining a Description of the Loot—*

The next step is to get a description of the property stolen, if any. Such description should be thorough and distinctive, both as to kind, quality and value.

The detective should keep in mind, when obtaining such information, that many persons who are the victims of theft greatly exaggerate as to quantity and value of property stolen.

Sometimes complainants are unable to give a distinctive description in cases where the property stolen was jewelry, silverware, or clothing.

With expensive clothing or silverware, which had been purchased from or made by a well-established firm, this difficulty may be overcome by the detective visiting the firm, with the complain-

ant, if possible. There he would be likely to find a replica of such property.

From this he would be able to obtain a description and the pattern number, or, in the case of jewelry which had been repaired, the jeweler who made the repairs would usually be able to furnish a description and tell the particular scratch mark he placed upon the goods.

### *Identifying the Burglar —*

The next step is to try to determine who committed the burglary.

The victim of the theft, the people who reside in, are employed in or do business in the premises, and every other person who might by any chance be able to give information that might lead to the identification of the suspect, should be questioned. No efforts should be spared to obtain every scrap of information that can be obtained.

If it appeared from the information gathered that the thief must have had prior knowledge of the habits of the occupants, a knowledge of the interior of the rooms, or a knowledge of the place where the property stolen had been kept, the detective should make particular inquiry relative to persons such as peddlers, canvassers, inspectors or the like, who had recently visited the premises, or persons who may have received such information from employees or servants.

In the case of thefts in hotels or apartment houses he should, in addition, suspect bell hops, porters, elevator runners, janitors, etc., who, by

reason of their employment, would be likely to possess such knowledge.

In the case of loft or store burglaries, he should also suspect engineers, firemen, watchmen, new employees, etc.

If a new employee is suspected of knowing something about the crime, the detective should endeavor to find out where such employee previously worked and whether or not burglaries had been committed at such place. Some of this information may be obtained by visiting the employment agency, if any, which supplied him.

### *Avoiding Snap Judgment—*

A detective, however, should not, without careful consideration, arrive at the conclusion that the person committing the theft had prior knowledge of the interior of the building, or where the stolen property was kept.

The modern apartment and flat houses are nearly all built on a similar plan. A thief acquainted with the plan of a similar house has little difficulty in determining beforehand the layout of an apartment.

Professional burglars know from experience where cautious housewives usually hide valuable property, and they search such hiding place as a matter of course.

If no outward evidence of a break is found, and property has been stolen, the following points should be covered:

- (a) When was property last seen?

(b) Was it in a locked room or receptacle? Was lock forced? What kind of instrument was used? Is there an instrument on the premises which fits the mark? Who had access to such instrument?

(b) Were keys used? If so, where are the keys usually kept? Who had access to them? Did such person have an opportunity to use them in the theft? Did any person have an opportunity to make duplicate keys?

Unless the burglary is obviously an inside job, careful inquiry should be made as to whether any suspicious vehicles were in the vicinity at the time of the occurrence, and if so, their description should be obtained and tire marks noted, if practical.

If the *modus operandi* indicates that the job was done by a professional criminal, persons who had seen a suspicious person at the scene should be shown the photographs of likely suspects.

### *The Burglarized Property—*

A distinctive description of the property should be forwarded by the detective on proper form in order that a complete description may be placed on the pawn list.

The detective should also make a thorough search of pawn-shops, premises of second-hand dealers, junk shops, known fences, or other places where stolen goods are likely to be bought, sold or hidden.

Any case he handles should not be abandoned

by him while even a forlorn hope remains of bringing it to a successful conclusion. The persistent detective is the only one who wins.

The circumstances in nearly every case of burglary being different, this chapter on burglary is not to be taken as prescribing everything that should be done in any particular case that a detective may handle. All the circumstances and facts must be considered in each and every individual case.

NOTE—In New York City and various other cities every pawnbroker therein is required to report daily except Sunday to police headquarters on prescribed forms, a description of all identifiable property taken by him in pledge or pawn the previous weekday. Every second-hand dealer—except a smelter or a refiner—is required to make a similar report which must include all property purchased by him, and he must keep such property for a period of at least fifteen days before disposing of it. Though smelters and refiners are not required to make such a report, they must keep metal purchased by them intact for a period of forty-eight hours.

The police consult these reports when searching for stolen property.

## RAPE

A person is guilty of rape in New York State who perpetrates an act of sexual intercourse with a female not his wife:

1. When she refuses to submit and he overcomes her resistance by force while she is resisting to the best of her ability;

2. When he accomplishes his purpose by threatening to inflict serious injury on her if she resists and she submits with reluctance because she believes that he will carry out his threat forthwith if she refuses;

3. When she has not reached the age of legal consent (in New York State, eighteen years and over).

4. When she is an idiot or insane and therefore incapable of giving her consent;

5. When she is suffering from some physical disability, which prevents her from offering resistance and the act is against her will and desire;

6. When she is confined by the law in some place of lawful detention or is in the custody of an officer of the law;

7. When she is unconscious or so stupefied by alcohol, an anaesthetic, or drugs, that she does not realize what is happening to her and she would resist if she did know.

### **Reluctance and Resistance—**

To support a charge of rape when complainant is over the age of legal consent, conscious and in possession of her physical and mental powers, she must resist to the best of her ability and be overcome by force or tempted into submission by threats, unless she is where resistance would be useless. There always must be the utmost reluctance and the utmost resistance.

*Examples—*

(Assume in each case hereunder that Mary Jones, while on the street, was accosted by a stranger who was driving in an automobile and invited to take a ride in his car, and that she accepted.)

(a) When they reached a lonely place in the suburbs, he made improper advances to her and she refused; he threatened to put her out of the car and let her walk home unless she consented; she disliked to walk home in the dark; so she permitted him to use her. He is not guilty of rape unless she was under the age of legal consent.

(b) The car was moving rapidly and he threatened to throw her out unless she consented. She did consent, but reluctantly, because she was afraid he would throw her out and seriously injure her. He is guilty of rape.

(c) She refused to consent and tried to leave the car. He prevented her by force and, after a struggle, accomplished his purpose. He is guilty of rape.

(d) He did not know that she was under the age of legal consent. She willingly permitted him to have sexual intercourse with her. He is guilty of rape; the law does not permit her to consent.

(e) She was over the age of legal consent, but refused to submit to him. He then administered a drug to her that caused her to be-

come stupified, and, while she was in that condition, he had sexual intercourse with her. He is guilty of rape.

*Doubtful Cases—*

1. Mary Jones, married, complains that Thomas Smith, a collector for a gas company, came to her home to collect a bill; that, while there, he made improper advances to her, which she refused; that he was in the act of forcibly raping her when her husband came home unexpectedly and that she cried out to her husband to save her when she heard him enter.

Genuine rapes of this kind are infrequent, because a determined woman can, as a rule, use sufficient force to resist her assailant successfully or frighten him into desisting by making an outcry. But a woman is likely to make an outcry on her husband's sudden appearance in order to cover her act.

The policeman investigating such a case should look for evidence of a struggle or evidence that the woman did something to save herself before her husband entered. If there was no such evidence, it would be best to have the woman lay the facts before a magistrate prior to making an arrest.

2. Mary Jones complains that while she was asleep she was raped by John Smith. If she claims that she was a virgin prior to the occurrence, according to medical authorities the commission of such an act without awakening her



would be impossible. If she does not claim that she was a virgin prior to the occurrence, such an act, while possible, would be highly improbable. Women do not usually sleep so soundly. A policeman investigating a complaint of this kind should usually not make an arrest except on a warrant.

3. Mary Jones complains that she was under the influence of an anaesthetic in a dentist's office while having a tooth extracted and that while in that condition the dentist raped her. This charge, while usually made in good faith, is often unfounded. Very often the sleep of anaesthesia is accompanied by voluptuous sensations, which may persist on awakening. The woman then believes that some one has profited by her sleep to perpetrate a criminal act upon her, and she accuses the person who gave her the anaesthetic. A detective investigating such a complaint should, before making an arrest, ask the woman to submit to a medical examination by a doctor. If no semen stains are found by the doctor, an arrest should not be made, except on a warrant.

4. Mary Jones makes an extraordinary complaint of being kidnaped, drugged and outraged. Hysterical young women and old maids whose minds have been upset by dwelling too much on sex matters have been known to concoct extraordinary stories of having been raped or otherwise mistreated. For proof they may offer torn clothing, self-inflicted wounds. Their stories usually include exciting and improbable items such as having been drugged, abducted, and held for

ransom by mysterious persons in an unusual manner. Sometimes the woman accuses prominent persons. An extraordinary and improbable complaint of this kind should excite the suspicion of the detective investigating it. He should request the woman to submit to a medical examination and make a thorough investigation before making an arrest.

### **Rape of Children—**

The perpetrators of acts of sexual intercourse with girls under the age of twelve years are usually found to be ignorant foreign libertines, mental defectives, or boys. The perpetrator usually resides in the same neighborhood as his victim and sometimes in the same house. He usually gets into the child's good graces by small presents or by taking her to a show. After accomplishing his purpose, he may bribe the child to be silent or make her afraid to tell.

In some instances the child is induced to enter a neighborhood cellar or the roof of a building near her home and is there raped against her will. Then, if she knows the perpetrator, he may become so frightened that he kills her so that she cannot inform on him.

A detective investigating the rape of a child should see to it that she is examined by a doctor. The Children's Society handles such cases in New York City in cooperation with the police. He should note any marks of violence that may be on the child and have her underclothing examined for semen or gonorrhea stains. After get-

ting a description of the perpetrator from the child, he should also get a description of the place where she was assaulted before taking her there. Then he should, if practical, take her to the place and have her identify it. He should then seek evidence that the child and her assailant had been there, such as fingerprints, articles of the child's clothing, etc. He should seek for witnesses who saw the suspect and the child together at any time prior to the occurrence, particularly at or about the time the act was committed.

### Points in the Investigation of Rape—

The testimony of a rape victim must be corroborated. Therefore:

1. Look for evidence of a struggle at the scene, such as furniture overturned, bushes broken, etc.

2. Note any outward marks of violence that may be on the victim, such as scratches, bruises, torn clothing. If she claims that there are marks of violence on the private parts of her body, see to it that such marks are noted by a witness, preferably a physician. Hold as evidence any clothing that has value as evidence, and, if practical, have any marks of violence that are on her body photographed.

3. Seek for witnesses who heard her make an outcry or otherwise resist while she was being attacked or who saw her immediately after the attack acting in an unusual way.

4. On arresting a suspect, examine his body and clothing for marks of a struggle, and, if he

has changed his clothing, examine that which he wore at the time of the occurrence.

5. If the charge is based on the fact that the victim is under the age of legal consent, see to it that proof of age is presented in court. The best proof is a birth certificate, but the following may be accepted as proof:

- (a) Baptismal certificate
- (b) Record in family bible
- (c) Testimony of persons who were present at her birth
- (d) Her physical appearance

Rapists habituated to brutish attacks on women usually have powerful bodies, aggressive features, and malfunctioning thyroid and adrenal glands.

NOTE—The law and procedure in Chapter X apply principally to New York State.

## CHAPTER XI

### MINOR CRIMES AND POLICE CONDITIONS

**I**T is, of course, important that a policeman should enforce all laws and ordinances and bring all offenders before the bar of justice. Still when the offense is some petty violation of an ordinance the police procedure is usually based on common sense.

The weapons that a policeman can use against a petty violator are arrest, summons, admonition, and warning. As to which he should use, the policeman concerned should be guided in his action by the laws on the matter, the established procedure of his department, the intent of the doer, the manner in which the thing is done, and the frequency of the occurrence.

### BEGGARS AND PANHANDLERS

A person who wanders abroad, and goes from door to door soliciting alms is a vagrant, as is one who places himself in the streets or highways, or in other places, to receive alms.

A policeman can lawfully arrest a beggar who solicits him, and also do so under the following conditions:

1. One whom the beggar has solicited takes him into custody, turns him over to the policeman, and is willing to go to court and make the charge.

2. He heard the beggar soliciting alms.

3. He saw the beggar accost several persons, apparently soliciting alms, and he asked one of these persons in the beggar's hearing, what the beggar had said, and the person replied that the beggar had solicited alms from him.

4. He saw the beggar accost several persons, apparently soliciting alms; he ordered the beggar to desist, and the beggar continued the practice.

5. He saw the beggar solicit alms from persons by holding his hand out, etc., and saw persons solicited give him money.

## DISORDERLY CONDUCT

You can assume that conduct is disorderly, if it consists either of an act or speech, or the use of any threatening or insulting behavior, intended or likely to provoke a breach of the peace; or a disorderly refusal to abide by an orderly ruling made by a person in authority.

This would cover almost every disorderly condition that you would have to do with on your post, such as: persons yelling on the street late at night, quarrelsome drunkards, who refuse to go home, hoodlums who insult women, street corner loafers who refuse to keep off street corners, etc. (See Page 317).

## LICENSES AND PERMITS

You should know what businesses and things require a license or permit, and from whom it should be obtained; that is, provided the police force is concerned in the matter.

When you observe a business requiring a license being conducted on your post, you should obtain the following information in respect to it:

1. Is the person who conducts it licensed?
2. Is the license for current date?
3. Is the license being used by the person to whom issued?
4. Are the provisions of the license being complied with?
5. Is there any unlawful business in connection with the license, and are the building and fire laws, if any, in respect to it, being complied with?

Obtain similar information relative to permits.

A permit is usually required to conduct a business which has to be regulated by government authority, in order to safeguard the health or safety of the community, such as keeping a slaughterhouse, selling milk, storing explosives, conducting blasting operations and so on.

## KEEPING THE STREETS CLEAN

The policeman on post should take proper police action to correct every condition which causes, or might cause, the streets to become dirty or un-

sanitary. The common causes of dirty and unsanitary streets are as follows:

Unlawfully throwing ashes, garbage, dead animals, newspapers, advertising matter, decayed fruit and vegetables on the sidewalks or roadways; filling to overflowing ash and garbage cans and failing to keep garbage cans covered. Driving dirt carts through the streets, from which the contents are spilling; loading or unloading on the street, rubbish, such as old paper, rags, etc., in such a manner that it is scattered about; permitting rubbish to accumulate upon the sidewalk in front of push carts, stores or stands, or in area-ways.

## **STREET AND SIDEWALK OBSTRUCTION**

That the sidewalks and roadway are kept free from unlawful obstruction, is very important to the general public. Therefore, you should take action to have removed any unlawful obstructions that you find on your post.

The common causes of street and sidewalk obstruction are as follows: Sidewalk stands, maintained where they should not be; building material on streets, without proper permit, or in violation of the provisions of the permit; merchants occupying the sidewalk with boxes, barrels or merchandise at times when they should not.

## **TRAFFIC AND ACCIDENTS**

A large number of persons are killed and injured in every large community every year by



accidents. Many of these accidents are due to preventable causes.

### Prevention of Accidents—

The following is an extract from a pamphlet which has been issued by the New York City police authorities:

Each member of the force, especially the man on patrol, should do his utmost to prevent accidents.

1. By enforcing the traffic regulations, paying special attention to drivers who fail to keep near the curb when driving slow-moving vehicles, and those who exceed the speed limit or drive recklessly, or fail to have their vehicles under control at all times, or fail to display proper lights or use dazzling lights.

2. By warning pedestrians who cross the streets elsewhere than at crossings, or who cross the streets while traffic is lawfully proceeding in a contrary direction, or who cross the streets reading a newspaper, or who board street cars which are in motion, or who cross streets without looking before they cross.

3. By escorting across busy thoroughfares old or feeble pedestrians, those carrying bundles, children or those in charge of them, and persons apparently nervous and timid.

4. By preventing children from roller skating on busy thoroughfares, hitching on vehicles, coasting on sidewalks, building bonfires, play-

ing cat, forming slides on the sidewalk or crossway, etc.

5. By taking proper police action against persons who, being responsible, fail to:

- (a) Secure unsafe wall or window signs;
- (b) Remove dangerous obstructions from the streets or roadway;
- (c) Maintain proper lights at night on street obstructions and excavations;
- (d) Remove obstructions from fire escapes;
- (e) Repair broken sidewalks.

### Investigation of Accidents—

When an accident occurs on your post, you should make a thorough inquiry, examination, and investigation into the circumstances of the case.

If the accident were due to a faulty, broken, or other defective mechanism of the vehicle, you should, as a rule, hold vehicle until examined by a police expert; in most cases, where an automobile is concerned, and a person is seriously injured by being struck with it, you should measure the distance that the tires skid after the brake was applied, as the length of the skid will enable you to approximate the speed of the vehicle at the time of occurrence. You should also note the relative positions of the injured person and the vehicle at the instant of the accident, if practical.

The general police action that should be taken in respect to an accident would be based on:

1. Cause of accident;
2. Whether any person was killed;

3. Whether the person injured, if any, received a serious or slight injury;
4. Whether the act was due to the criminal carelessness of any person;
5. Whether the evidence of criminal carelessness is clear or conflicting.

When the evidence of criminal carelessness is clear, and a person is killed or seriously injured, an arrest is made without a warrant. But if a person is killed or seriously injured and the evidence of neglect is not clear, the facts are either presented to a magistrate for a warrant, or a summary arrest is made. Where there is only slight injury and the evidence of neglect is either clear or conflicting, the circumstances of the case and the law of arrest governs the policeman's action. A person operating a train or dangerous machinery should not be removed from it by arrest until some other competent person can be got to take charge of it.

In all cases of accident handled by the police, especially accidents where some person is killed or injured, or there is serious property damage, the names and addresses of witnesses should be obtained by the policeman concerned.

In New York City, when a person is killed or seriously injured by a motor vehicle, the desk officer of the precinct concerned notifies the motor vehicle homicide squad, a detective from which immediately goes to the scene and makes an investigation.

The policeman first at the scene, pending the

arrival of this detective, detains the operator of the vehicle, if present, and does not permit the car to be moved from the position it was in when he arrived, unless it is seriously obstructing traffic. In such a case he moves it a sufficient distance to relieve traffic congestion, but marks its outline and that of its skid-marks on the pavement with chalk before moving it.

See Problem No. 3 in regard to the detective's investigation.

## FIRES

The following are in substance the regulations of the New York City police relative to police duty at fires:

### **Action on Discovery of Fire—**

When a member of the force discovers a fire he should:

1. Signal for assistance and send an alarm or make sure an alarm has been sent.

2. Remain at fire box (if fire is not adjacent thereto) to direct the firemen, or station some responsible person at fire box for that purpose. If fire box bell does not ring signal from another box.

3. Proceed to fire as quickly as possible.

4. Warn occupants of burning building of their danger, assist them to the street, drop fire escape ladders.

5. Remember that fire cannot burn without oxygen. Therefore all doors should be closed to pre-

vent spread of fire; but if stairway is on fire the scuttle should be opened so that the flames may not mushroom through apartment doors.

6. Upon arrival of fire apparatus, establish fire lines.

7. Report fire to desk officer, and, if the fire is serious, request that assistance be sent.

8. Allow no unauthorized person or vehicle to enter fire lines, but do not unnecessarily inconvenience persons who either reside or are engaged in business within the lines. Such persons, however, should not be permitted to enter or remain within the fire lines except by consent of the police or fire officer in charge.

9. Allow no unauthorized person to enter building.

10. Make full report of fire to desk officer.

### **Duty of Officer in Charge—**

The police officer in charge at a fire should:

1. Report that he is in charge to the commander of the fire forces.

2. See that fire lines are established in front, and, if necessary, in rear of building, and beyond the furthest fire hydrant and fire apparatus in use, and also fifty feet beyond high pressure hydrants when such hydrants are being used.

3. If the fire is very serious, establish a headquarters near a telephone and have flag or lantern placed in front of such headquarters.

4. See to it that the desk officer is kept informed as to the development of the fire and that the proper report is made by patrolman on post.

5. If any person is killed or injured, assign one or more competent patrolmen to make necessary investigation and report.

6. Do not permit the removal of an injured fireman to a hospital except by consent of the fire officer in charge.

7. Send patrolmen who have responded to fire from posts, back to their respective posts as soon as their services can be dispensed with. Patrolmen from the furthest posts should be among the first sent back.

8. Draw in fire lines and send the reserves, if any, back to their respective precincts after the fire apparatus has left, or sooner if their services are not needed. The men from the furthest precincts should be the first dismissed.

9. Consult with the fire officer in charge relative to the condition of the building. If there is any danger of cornice falling or any impending danger to persons passing, establish—temporarily—a special post.

10. If the fire was of incendiary origin, take necessary measures to gather and safeguard evidence. Notify fire marshal and detective division.

NOTE--(a) In case of fences catching fire or in the case of large bonfires in vacant lot, only a still alarm of fire need be sent, unless it is apparent that there is danger

to adjacent buildings. (b) One or more emergency police units go to serious fires. About ten patrolmen and a superior officer comprise such a unit. The wagon transporting the unit is equipped with apparatus required in emergencies.

## CHAPTER XII

### ARREST AND EXTRADITION

(New York State Law)

**A**N arrest is the taking of a person into custody so that he may be held to answer for a crime.

A crime is an act or an omission forbidden by law and punishable, upon conviction, by—

1. Death;
2. Imprisonment;
3. Fine;
4. Removal from office;
5. Disqualification to hold any office of trust, honor or profit under the state;
6. Other penal discipline.

Crime is divided into two classes: Felonies and Misdemeanors. (NOTE—Acts defined by the Vehicle and Traffic Law as Traffic Infractions are not crimes.)

### FELONIES AND MISDEMEANORS

A felony is an infamous crime punishable by death or imprisonment in a state prison.

A misdemeanor is a crime less than a felony.



### Determining Classification of an Offense—

A policeman should know the acts and the omissions that are felonies and those that are misdemeanors, because his power of arrest is greater in felony crimes. There are, however, a great many acts and omissions prohibited by law, and it is almost impossible for a policeman to keep all of them in his mind. Therefore, a policeman is occasionally called to take action in a case in which he is in doubt whether the act is a felony or a misdemeanor, or any crime at all, and it is necessary for him to make an instant decision. In such a case he should keep in mind that almost all crimes are against—

1. The person of another;
2. The property of another;
3. Public morals; or
4. Public welfare.

If the damage done by the culprit is serious or his act showed that his intention was very wicked, the crime is a felony, as a rule. But, if the damage done is slight and the intent apparently not very bad, then the crime is, as a rule, a misdemeanor.

### *Examples—*

(a) Black stabbed White with a knife and inflicted a slight injury. Black, by using a dangerous weapon, showed that his intent was wicked. Therefore, his act was a felony.

(b) Black, during an altercation with White, struck him with his hand and broke his nose.

Although Black's intent was not apparently very wicked, the damage he did was great. Therefore, his crime was a felony. However, if he had not broken White's nose, the crime would have been a misdemeanor.

(c) Black, while in the act of robbing White, struck him with his hand, inflicting slight injury. The assault was a felony because of the fact that he committed it while perpetrating a robbery.

(d) Black saw White's pocketbook lying on a table and stole its contents—one dollar. White's property loss was not great. Therefore, the crime was a misdemeanor. It would have been a felony in the State of New York if the pocketbook had contained more than \$100 and a misdemeanor if it contained that sum or less. It, however, is a felony to steal in the night time more than \$25 from a dwelling, vessel or railway car.

(e) Black put his hand in White's pocket and stole one dollar therefrom. The fact that he put his hand in a man's pocket to steal showed that his intent was very wicked. If he met with resistance, he might have assaulted either to escape or accomplish his purpose. Therefore, the crime was a felony.

(f) Black obtained a dollar from White by threatening to kidnap his child. Although the sum obtained was small, the fact that he had

threatened to kidnap showed that he was extremely vicious. Therefore, he committed a felony.

(g) Black, a public officer, saw White violating a law, and White gave him a dollar for not arresting him. Both Black and White committed a felony, because corrupt public officers and persons who bribe them to be corrupt are a serious menace to the welfare of the community.

(h) Black forged White's name to a check for one dollar. Although the property loss was small, a forger is a serious menace to the community. Therefore, the act was a felony. It would also, for like reason, be a felony if he had counterfeited a dollar bill or passed a counterfeit dollar bill knowing it to be such.

(i) Black seduced a virtuous woman under promise of marriage. He abducted a woman to marry her against her will. He had sexual intercourse with a child with her consent or a woman not his wife against her will. It is obvious that all these acts show a depraved mind and the intent to do great harm. Therefore, they are felonies. But a man who commits an act of sexual intercourse with a sane adult woman, with her consent, under ordinary circumstances may be guilty of a misdemeanor or no crime at all, depending on the circumstances.

### Principals and Accessories—

A principal in a crime is a person who either commits the act constituting the offense or aids and abets in its commission, whether he is present or absent, or who commands, counsels, or induces another to commit the crime.

In misdemeanors all concerned are principals.

#### *Examples—*

(a) Brown acts as a lookout while Smith forces a door to commit a burglary;

(b) Brown gives Smith a gun, knowing that he is going to shoot Jones with it unlawfully;

(c) Brown induces Smith to commit arson;

(d) Brown gives Jones a bomb, with which he unlawfully blows up a building;

(e) Brown hires Jones to assault Smith.

An accessory to a crime is a person who, after the commission of a felony, harbors, conceals or aids the offender with the intent that the latter may avoid or escape arrest, trial, conviction or punishment, having knowledge, or reasonable grounds to believe that such offender is liable to arrest.

#### *Examples—*

(a) Brown shoots a man and escapes from the scene in an automobile driven by Jones.

A policeman could arrest Jones as an accessory, if he knew, or had reasonable grounds to believe that Jones had knowledge of Brown's act, at the time he drove away.

(b) Brown unlawfully shoots a man and is wanted by the police. When found, Brown is hiding in Jones's house.

In this instance, Jones could be arrested as an accessory, if it was reasonable to believe that Jones had knowledge of his act and permitted him to do so.

*Accessory to Kidnaping (Felony)—*

A person is guilty who refuses to divulge to lawful authorities information he possesses about a kidnaping, or whereabouts of victim or perpetrator, or information that might lead to the arrest or punishment of the offender; or who obstructs the authorities in their efforts to apprehend and punish such offender; or who gives false information concerning a kidnaping; or who conceals, destroys or suppresses kidnaping evidence.

*Example—*

Brown steals five dollars from Jones (a misdemeanor) and upon being pursued by a policeman, runs into Smith's barber shop, to hide therein. Smith, the proprietor, when questioned by the pursuing policeman, denies all knowledge of Jones's presence.

In the above case, Smith is a principal in the larceny committed by Brown, provided Smith knew of the crime and harbored Brown with intent that he might avoid, or escape, arrest.

## ATTEMPTS

An attempt to commit a crime is an act done with intent to commit a crime, and tending but failing to effect its commission.

*Examples—*

(a) Brown breaks the lock of a door with intent to enter and commit a crime. He is guilty of attempted burglary.

(b) Brown, under circumstances which would make him guilty of arson if his design were accomplished, willfully places any combustible material or substance, or any device, in a building or property, with intent to burn same. He is guilty of attempted arson. (See "Arson," Pages 243-244).

(c) Brown places his hand in Jones's empty pocket with intent to steal his property. He is guilty of attempted grand larceny.

## ARREST

A person is under arrest when he is actually under restraint, charged with a crime, or when he voluntarily submits himself to custody, when so charged.

*Examples—*

(a) You take hold of a man's arm for the purpose of arresting him; he is under restraint.

(b) You say to a man: "You are under arrest," and he apparently submits. That is sufficient.

But if you said to Brown, who committed a crime in your presence: "You are under arrest," and Brown ran away, he would not be an escaping prisoner; nevertheless, he might subsequently be arrested for the crime committed.

### **Refusing to Make an Arrest—**

A person, who, after having been lawfully commanded by any magistrate to arrest another person, willfully neglects or refuses so to do, is guilty of a misdemeanor.

### **Using Force to Effect an Arrest—**

A peace officer is allowed by law to use all the force necessary to make a lawful arrest. If the crime is a felony, he can even take the culprit's life if he cannot accomplish his purpose otherwise. If he takes the culprit's life while arresting for misdemeanor, the court decides as to the degree of his culpability.

NOTE—Do not shoot in misdemeanor cases.

### **Cautions to Arresting Officer—**

A policeman should keep in mind when he makes an arrest:

1. That he is depriving a person of his liberty and must show that he has a lawful right to do so;
2. That he must make the arrest in the manner

prescribed by the law and in accordance with the established procedure of his department;

3. That, while the prisoner is in the hands of the police, he must be treated in accordance with law and police regulations;

4. That the prisoner must be taken to the proper court at the time specified for trial; usually as soon as the court is open.

5. That, when the prisoner is arraigned before the bar of justice, the person who caused the arrest must show that he had a legal right to do so.

Question: Supposing that a policeman made the mistake of arresting a person for an act or an omission which was not a crime: What would be his responsibility in the matter?

Answer: He would be both civilly and criminally liable.

*Example—*

Patrolman Smith saw White on a cold winter day wearing a straw hat on the street and arrested him for doing so. This would be an assault on White, and White would have the right to use sufficient force to free himself from such unlawful custody. But, assuming White submitted and Patrolman Smith arraigned him before the desk officer in a police station-house, then the desk officer should release him, take disciplinary action against the officer and entertain a criminal charge of assault against him if White made it.



**Question:** Supposing a prisoner is arrested and arraigned before a desk officer charged with a crime, but the arrest was not made in strict compliance with the procedure prescribed by law: Should the desk officer release the prisoner?

**Answer:** When a prisoner is brought before a desk officer charged with an act or omission prohibited by law, it is the duty of the desk officer to make a record of the facts and to see that the prisoner is placed in proper custody until he is sent to court or bailed out. He is not required to adjudicate on the merits of the case. If, however, the case is one covered specifically by a police regulation, he should, of course, act accordingly. He should bring all unusual cases of such kind to the attention of his superior officer and take any other police action warranted by the circumstances.

### **Felony Arrest—**

A peace officer has a lawful right to arrest a person for a felony—

1. On a warrant; or
2. Without a warrant for a felony committed or attempted in his presence; or
3. When the person arrested has committed a felony, although not in his presence; or
4. When a felony has in fact been committed and he has reasonable cause for believing the person to be arrested to have committed it; or

5. He may at night arrest on reasonable suspicion of felony, though it afterward appear that a felony had been committed but that the person arrested did not commit it.

Question: It is stated above in paragraph 3 that a peace officer can arrest a person who has committed a felony although not in his presence. How could a peace officer learn that the person had committed a felony?

Answer: He could assume that the fact was true if he received information of its truth from a reliable source; for instance:

(a) He sees in a police alarm that Black is wanted for felony;

(b) He knows that a warrant has been issued for Black on a felony charge;

(c) A reliable citizen complains to him that Black has committed a felony;

(d) Another policeman informs him that Black has committed a felony and requests him to arrest Black.

Question: Supposing a civilian charged a person with committing a felony, the policeman took the accused into custody and it later developed that the charge was false: Would the policeman concerned be liable?

Answer: No; the courts have held that, when the policeman acts in good faith in such a case, the complainant and not he is liable. A policeman, however, should inquire into the facts of a complaint before making an arrest.

Question: In paragraph 4 above it is stated that a peace officer can arrest a person if he has reasonable cause for believing that he has committed a felony. What is meant by "reasonable cause?"

Answer: A peace officer would have "reasonable cause" to believe the person to be arrested had committed a felony if (a) the officer knew for a fact that a felony had been committed and (b) he himself observed or was reliably informed of facts indicating that the person in question had committed it.

*Examples—*

(a) Police Officer Smith saw in a police alarm a distinctive description of a man wanted for robbery. He saw a man answering such description and arrested him. The man was not the one wanted, although he answered the description. The officer would not be liable for his mistake. But if the man did not answer the description and the officer had no other reasonable cause to believe he was the culprit, then the officer might be held responsible.

(b) A private person pointed out a man to Officer Smith and accused the man of robbing him. Officer Smith, after questioning the complainant, concluded that his allegation was true; so he arrested the man.

(c) Officer Smith heard a shot and saw lying in the street a man who had just been shot and killed. He saw another man running away from

the scene. He pursued and arrested the running man. It later developed that the prisoner was running to catch a train and was innocent of the crime. The officer was not liable because his act was based on reasonable cause.

Question: What is the difference between paragraphs 4 and 5 above-mentioned?

Answer: Under the provisions of paragraph 4, the officer must have some particular felony in his mind at the time he makes the arrest and be reasonably certain of the guilt of the person he arrests. Under the provisions of paragraph 5, he need not have any particular felony in his mind, but must have reasonable cause to believe that the person committed some felony, and must justify his act by showing that he used good judgment.

*Example—*

Officer Smith, in the night time, saw Black carrying a bundle of goods which appeared to be the proceeds of a burglary and which Black could give no satisfactory reason for possessing; so the officer took him into custody. It later developed that Black came by the goods honestly. The officer could justify his action by showing that burglaries were of frequent occurrence in the locality where he found accused, etc. In such a case, however, it would be best for the officer to detain the suspect for investigation rather than to arrest him and to base his further action on the result of the in-

vestigation. If the suspect be held he should be charged with the crime he is suspected of committing.

### **Misdemeanor Arrests—**

A peace officer may arrest a person for a misdemeanor—

1. On a warrant; or
2. Without a warrant for a misdemeanor committed, or attempted in his presence.

Question—Can a peace officer arrest without a warrant for a past misdemeanor which was committed in his presence?

Answer—The law requires that a policeman who sees a misdemeanor committed should immediately arrest the perpetrator if it is practicable for him to do so, unless the service of a summons, or other police action, is prescribed by law; but, if he cannot make the arrest immediately, he may make it at the first opportunity, provided he does so within the time specified in the statute of limitations. This time is two years in New York State.

### **Arrests by Private Persons—**

A private person may arrest another—

1. For a crime committed or attempted in his presence;
2. When the person arrested has committed a felony although not in his presence.

Question—Can a private person arrest another if he has reasonable cause to believe that such person has committed a felony?

Answer—If he should do so and the person were acquitted of the charge, the private person would be liable to civil suit, and also criminal suit if his act were malicious.

Question—If a private person is the victim of a misdemeanor or he observes a misdemeanor committed and requests a policeman to arrest the culprit who is present, should the officer do so? The misdemeanor was not committed in the officer's presence.

Answer—No; the policeman should inform the private person that he has the right to arrest, and, if such person makes the arrest, the policeman should accept the custody of the prisoner, provided the private person is willing to accompany him to the police station or court, as the case may be, and make a complaint against the prisoner.

Question—Has a private person the right to arrest for a past misdemeanor which was committed in his presence?

Answer—Although the weight of authority is against arrests by civilians without a warrant for past misdemeanors, the general procedure is that, if a civilian tries to but fails to make the arrest at the time the misdemeanor was committed, he can thereafter do so within two years, at the first opportunity. The general rule is that it is no defense in a criminal action or prosecution that the defendant was illegally brought within the jurisdiction of the court.

*Example—*

Brown struck Smith during an altercation. Smith took no action at the time to effect an arrest. Some time afterward, Smith felt aggrieved against Brown, for something else, and decided he would arrest him for the assault.

Smith could not do this. The arrest must be made on a warrant. If, on the other hand, he made every effort to effect the arrest without a warrant, at the time of the assault, but was unable to do so, he could arrest without a warrant, at the first opportunity that presented itself.

*Surrender of a Prisoner—*

A policeman is required to accept the surrender of a prisoner from a private person who has lawfully arrested him, and who charges such prisoner with a crime, and to take such prisoner to the station house. Very many times such complainants on the way to the station house change their minds and refuse to go before the desk officer to make the charge. In such cases the officer should get the complainant's name and address, take the prisoner to the station house, stating the facts to the desk officer.

If the complainant, after making the arrest, refuses to give his name and address and refuses to go to the station house as complainant, he could be charged with disorderly conduct. Both the complainant and the person arrested by the complainant should be taken to the station house.

A private person before making an arrest must inform the person to be arrested of the cause thereof, and require him to submit, except when he is in the actual commission of the crime, or when he is arrested in pursuit immediately after its commission. He must without delay, take him before a magistrate, or deliver him to a peace officer.

*General Information on Arrests—*

The following persons may be arrested in New York State without a warrant by a peace officer:

1. A deserter from the military or naval forces of the United States who is wanted by such authority.

2. A paroled prisoner for whom a warrant has been issued by a parole official.

3. A person on bail when written authorization is received from the bondsman on a certified copy of the bond or on proper surrender piece. (The bondsman concerned can lawfully make such an arrest.)

4. A prisoner who has escaped from lawful custody.

5. A person whom the officer is ordered to arrest by a magistrate, for a crime committed in the magistrate's presence.

6. A fugitive from justice from another state who is wanted for felony.

7. A person who is disorderly in a polling place on election day when his arrest is ordered in writing by an election inspector.



8. An adjudged habitual criminal who is found acting in a suspicious manner.

9. A person for whom a warrant has been issued by the Family Court if the person requesting the arrest has a certificate of the warrant or a "Certificate of Protection."

10. A material witness in a felony case who refuses to go to court and give evidence. (This is police procedure; it is sanctioned by usage.)

11. A person found in New York State, who while being out of it, did an unlawful act, with the intent to cause, and which caused a felony to be committed in New York State.

12. A person who knowingly and unlawfully brings property stolen in another state into New York State, or corruptly receives such property therein.

13. A person who kidnaps, or abducts a person in another state and brings him into New York State, or who aids or abets such offence.

14. A professional thief, burglar, pickpocket, counterfeiter or forger found acting in a suspicious manner at any steamboat landing, railroad depot, church, banking institution, broker's office, place of public amusement, auction room, store, auction sale in private residence, passenger car, hotel or restaurant, or at any other gathering of people, whether few or many.

15. Any person who is engaged in some illegal occupation, or who bears an evil reputation, and with unlawful purpose consorts with thieves and

criminals, or frequents unlawful resorts, is guilty of disorderly conduct. (In the prosecution of the defendant, the fact that he is engaged in an illegal occupation, or bears an evil reputation, and is found consorting with persons of like evil reputation, thieves or criminals, shall be prima facie evidence that such consorting was for an unlawful purpose.)

### Limitations on Arrest—

#### *Felony Committed on a Merchant Vessel—*

If a felony is committed within the three mile limit, a policeman has the right to go on board and arrest the perpetrator, even without the captain's consent, and even though the vessel was under a foreign registry. After the arrest the prisoner should be taken before the nearest sitting magistrate. If the vessel is of foreign registry, the police department would usually notify the consul of the particular country concerned. In such case, the prisoner may be tried and punished in this country, or be sent back to such foreign country for this purpose. In general, where crimes are committed aboard a vessel while on the high seas, the competent courts of the nation to which the vessel belongs have exclusive jurisdiction of the trial and punishment of any person accused thereof. In such cases, however, it seems well to notify the consul representing such foreign nation.

*Felonies on Foreign Men-of-War  
Within the Three Mile Limit—*

The police have no jurisdiction in the above cases. They may, however, if requested by the captain of the vessel, arrest the perpetrator and take him before the nearest sitting magistrate. Cases of this kind are tried in the federal courts.

*Time Limit to Arrest—*

A person may be arrested for murder or kidnaping at any time after the commission.

A person cannot be prosecuted for any other felony five (5) years after its commission, or for a misdemeanor two (2) years after its commission, unless an indictment has been found within such period of time. If, however, during any part of such period, the offender resides out of the state, or cannot be found at his usual residence, the time of his absence is not included. The same applies if he remains in the state, but under a false name.

NOTE—If the felony charged is seduction an indictment must be found within two years.

*Ambassadors and Public Ministers—*

Ambassadors and other public ministers from foreign governments, accredited to the President or Government of the United States, with their secretaries, messengers, families and servants, are not liable to punishment in this state, but are to be returned to their own country for trial and punishment.

When an ambassador is accredited to the United States, he files with the Secretary of State (federal government) a list of his secretaries, messengers and servants; and such persons, when so registered, come within the provisions of the above section.

“The fact that ambassadors, ministers, etc., must be returned to their own country for the punishment of crimes they commit in this state, leaves room to assume that arrests are authorized to accomplish that purpose; but, inasmuch as the Federal Laws and the Law of Nations exempts them from the service of process and from imprisonment, it seems that if an ambassador, or a member of his family violates a minor law, it is good policy not to arrest or summons; but the name and address of the offender should be taken and a report made on the case to the police commissioner. If the crime committed is a felony, the offender may be arrested, but should be taken immediately before a magistrate.”

#### *Persons Who Are Exempt From Arrest—*

A judge sitting in court and a lawyer trying a case therein are exempt from arrest during the time the court is being held.

#### *False Arrests—*

If a person arrested another for something that was not a crime, it would not be a lawful arrest, but would be an assault against the person illegally arrested.

*Example—*

Jones arrests Brown for spitting into the gutter and asks a policeman to take the prisoner to the station house.

The policeman should refuse to do as requested, because there is no violation of law; and if Jones persisted in holding Brown, Brown could charge Jones with assault and the policeman should arrest Jones.

## JURISDICTION

A crime committed within five hundred (500) yards of the boundary line of two counties, may be tried in either county. A crime committed on a train or boat may be tried in any county through which it passes.

## WARRANTS

There are various kinds of warrants, but the warrants that policemen have most to do with are:

1. An ordinary warrant.
2. A bench warrant.
3. An ordinary search warrant.

### Ordinary Warrants—

An ordinary warrant for the arrest of a person may be issued by a magistrate when he receives a complaint or information that such person is guilty of a crime.

The warrant must contain the name of the ac-

cused or sufficient data to identify him. If the warrant contains the name of the accused, the officer who executes it must not arrest a person of another name, even though such person is the one wanted, unless the officer can prove that the prisoner was also well known by the name stated on the warrant. If the accused is identified on the warrant only by his description, and the officer made an honest mistake by arresting a person answering such description, but who was not the one wanted, the officer would not be liable. When arresting on a warrant the officer must show it to the culprit, and state his purpose.

A person arrested on an ordinary warrant for a misdemeanor has the same right to bail in a police station-house as a person arrested without a warrant.

The magistrate who issues a warrant states thereon who should execute it. The peace officer assigned to execute it, may do so in any county in the state, without further endorsement, if it is issued by a supreme court judge; a city judge; a judge of Family Court, New York City; a judge of Family Court, outside of City; a judge of General Sessions; a judge of Special Sessions, New York City; a county judge; a recorder (where jurisdiction is vested by law); or the judges of any City Court.

NOTE—A warrant issued by any magistrate of New York City can be executed in all counties of the City without other endorsement.

If it be issued by a magistrate of lesser authority than the above, such as a justice of the peace, it cannot be

executed outside the county where issued, except when endorsed by a magistrate of the other county.

If, however, a warrant has been issued for a felony, by a magistrate other than those above mentioned, and the person named therein is found outside the county where the warrant has been issued, he could be arrested on reasonable suspicion without the warrant.

A person arrested on a misdemeanor warrant is entitled to be brought before a magistrate in the county where he is arrested, to give bail, if he so desires. But if there is no court open and he is brought to a police station, the desk officer therein may bail him, to appear before a magistrate in the county where the arrest was made; then the prisoner should be taken to proper court in such county, when it is opened, and the magistrate therein may bail him for appearance before the magistrate who issued the warrant.

A misdemeanor warrant cannot be executed at night or on Sunday unless it is so endorsed.

### **Bench Warrants—**

These are issued in two instances:

1. If the prisoner having been bailed fails to appear for trial, or if his surety has died, or bail is insufficient;

2. If a person has been indicted for a crime, the district attorney can issue one.

After indictment, either upon the bench warrant issued for his arrest or upon an order of the court committing him or enlarging the amount of bail, or upon his being surrendered by his bail to answer the indictment in the court in which it is found, or to which it may be sent or removed

for his trial, any captain or sergeant of police, or lieutenant of police, in any city or village, or in any town maintaining a police department organized pursuant to the laws of this state, must take bail for his appearance before a competent and accessible magistrate the next morning from any person arrested for a misdemeanor between eleven o'clock in the morning and eight o'clock the next morning, just as soon as the person offers himself as bail for the person or persons arrested.

In arrest for felony, the prisoner is to be taken before the court in which, as the warrant states, the indictment was found: or, if the indictment has been sent or removed to another court, then to that court, or the supreme court, or the sheriff of the county named, or to the keeper of the city prison (where in N. Y. City).

### **Search Warrants (Ordinary)—**

A search warrant is an order in writing in the name of the People, signed by a magistrate, directed to a peace officer, commanding him to search for personal property and bring it before the magistrate.

A search warrant may be issued on any of the following grounds:

1. When the property was stolen or embezzled; in which case, it may be taken, on the warrant, from any house or other place in which it is concealed, or from the possession of the person by whom it was stolen or embezzled, or of any other person in whose possession it may be.



2. When it was used as the means of committing a felony; in which case, it may be taken, on the warrant, from any house or other place in which it is concealed, or from the possession of the person by whom it was used in the commission of the crime, or of any other person in whose possession it may be;

3. When it is in the possession of any person, with intent to use it as the means of committing a public offense, or in the possession of another, to whom he may have delivered it for the purpose of concealing it, or preventing its being discovered; in which case it may be taken, on the warrant, from such person, or from a house or other place occupied by him, or under his control, or from the possession of the person to whom he may have so delivered it.

A search warrant must be executed and returned to the magistrate by whom it was issued, if issued within the City of New York, within five (5) days after its date of issue, and if in any other county within ten (10) days. It must not be executed in the night time, except when indorsed by the magistrate for night service.

A search warrant designates the person, or building, or other place to be searched and designates the property that is to be searched for.

### *Procedure in Executing a Search Warrant—*

A peace officer who is given a search warrant to execute may break into a building for that purpose, if admittance is refused. When he takes

property under the warrant, he must give a receipt for it (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found, or in the absence of any person he must leave it in the place where he found the property.

The officer must immediately after the execution of a search warrant, return it to the magistrate who issued it, and deliver to him a written inventory of the property taken, and make affidavit that such inventory is a true account of all the property taken by him on the warrant.

An officer who executes a search warrant with unnecessary severity, is guilty of a misdemeanor.

### **General Provisions in Arresting on Warrants—**

In effecting an arrest on a warrant, the officer must state to the defendant his authority and show the warrant if requested.

If the defendant is in a building, the officer to make an arrest, may force an entrance, if after notice of his intention admission is refused. Before doing so, he must announce his office and purpose. In effecting an arrest on a warrant, the officer making the arrest may call on any person present to assist him, and if such person refuses, he may be arrested.

N.B.—A policeman can lawfully break into a building without a warrant, if admission is refused, to arrest a person—

(a) Whom he sees in the building committing a crime;

(b) Who is fleeing from him after committing a crime;

(c) When he has reasonable cause to suspect that such person has committed a felony, that has in fact been committed.

## GRAND JURY

A grand jury is a body of men, returned at stated periods from the citizens of the county, before a court of competent jurisdiction, and chosen by lot, and sworn to inquire of crimes committed or triable in the county.

The grand jury must consist of not less than sixteen (16) and not more than twenty-three (23) persons. The presence of at least sixteen (16) is necessary for the transaction of business.

A grand jury sits at designated times in each county.

When complaints charging violation of law are presented to it, it usually examines only the complainant and witnesses for the prosecution, but may in its discretion examine witnesses for the defense.

If there is sufficient evidence produced against the defendant to warrant it, he is indicted; such an indictment is known as a "true bill."

The indictment must contain:

(a) The title of the action specifying the name of the court to which the indictment is presented, and the names of the parties.

(b) A plain and concise statement of the act constituting the crime.

If the defendant is not in custody at the time the indictment is found, the court, or district attorney, may cause a bench warrant to be issued for him.

The defendant must be arraigned in the court in which the indictment is found, if triable therein, or if not, in that to which it is sent or removed.

If the indictment is for felony, the defendant must be present; if for misdemeanor he may appear by counsel.

In answer to the indictment the defendant may either move the court to set the same aside, or may demur or plead thereto.

There are three kinds of pleas to an indictment:

(a) A plea of guilty;

(b) A plea of not guilty;

(c) A plea of former judgment of conviction or acquittal of the crime charged.

A conviction upon a plea of guilty shall not be had where the crime charged is or may be punishable by death.

A plea of guilty can only be put in by defendant himself in open court, except upon an indictment against a corporation, in which case it may be put in by counsel.

If the defendant pleads "Guilty" to the offense charged, he is usually remanded for sentence; if he pleads "Not Guilty" the case is set on the calendar for trial at a specified time.

In New York County persons indicted for felon-

ies or misdemeanors are tried by the Court of General Sessions, or by the Criminal Branch of the Supreme Court. In other counties similar cases are tried in the County Court or in the Supreme Court, or a City Court.

## CRIMINAL LIABILITY (PRESUMPTIONS)

A person is presumed to be responsible for his acts. The burden of proving that he is irresponsible is upon the accused person, except that an act done by a person who is an idiot, imbecile, lunatic or insane is not a crime. A person cannot be tried, sentenced to punishment or punished for a crime while he is in a state of idiocy, imbecility, lunacy or insanity so as to be incapable of understanding the proceedings or making his defense.

A person is not excused from criminal liability as an idiot, imbecile, lunatic or insane person, except upon proof that at the time of committing the alleged act, he was laboring under such a defect of reason as:

1. Not to know the nature and quality of the act he was doing; or,

2. Not to know that the act was wrong;

—and except that a child under the age of 7 years is not capable of committing crime. A child of the age of 7 years and under the age of 12 years is presumed to be incapable of crime; such presumption, however, may be removed by proof that such child had sufficient capacity to understand the wrongfulness of the act he is charged with.

## EXTRADITION (RENDITION)

When a person commits a serious crime in one state and escapes to another state, certain criminal procedure has to be followed to bring him back to the jurisdiction from which he has fled. The procedure is practically the same in all of our states, except that a fugitive from justice who is in either of the States of New Jersey or Pennsylvania, cannot be taken out of such state, except he is extradited, and he cannot waive extradition. If the fugitive in any other of our states waives his right to such process, he then can be taken from the state without such warrant; but if he does not waive his right, a "Governor's warrant" must be obtained.

### Interstate Extradition—

#### *Extradition on "Governor's Warrant"—*

We will assume that a person has committed a serious crime in New York City, and has fled to Boston. The police officer handling the case, with his witnesses, including the complainant, lays the facts before the district attorney of the county where the crime was committed. The district attorney, if he sees fit, presents the facts to the grand jury. It indicts the fugitive. The district attorney then sees to it that a bench warrant is issued and he gives it to the detective to execute.

The New York detective bureau then notifies the Boston detective bureau of the facts; gives

it any information it has relative to the fugitive's whereabouts, and requests his arrest.

NOTE—See "Uniform Act on Close Pursuit," page 333, also federal law on page 334.

The Boston police, after arresting the fugitive, inform the New York police, and state whether or not the fugitive will waive extradition.

If the fugitive will waive extradition, a New York officer is sent with the bench warrant to get him. The fugitive signs a waiver of extradition in Boston, and is then brought back to New York by the detective. The case then takes a regular course.

If the fugitive refuses to waive extradition, an exemplified or certified copy of his indictment is immediately forwarded to the Boston police. A Boston police officer then arraigns the fugitive before a magistrate, and on the authority of the New York indictment, he commits the fugitive to prison for a period not to exceed thirty days pending his extradition.

The complainant in the case then makes an affidavit before the district attorney in New York, stating that the fugitive was in New York State on the day the crime was committed; that he committed the crime charged on that date; that he is informed that the fugitive is in custody in Boston, and requests that he be returned to New York, to be tried on the charge.

The district attorney then makes out a set of papers consisting of:

- (a) Application to the Governor of New York State for the fugitive's extradition.
- (b) Certified copy of indictment.
- (c) Bench warrant.
- (d) Complainant's affidavit relative to flight.

Duplicate copies of these papers are sent to the Governor of New York State—he keeps one set and returns the other set to the district attorney, with his requisition to the Governor of Massachusetts attached.

A New York police officer takes these papers to the Governor of Massachusetts. The Governor keeps such papers, except the officer's authorization to receive the prisoner. He gives the officer a warrant for the fugitive. The officer delivers this warrant to the one to whom it is addressed, receives the fugitive, and brings him back to New York.

If, however, the fugitive denies that he was in New York at the time the offence was committed, he must be taken before a court in Boston, having jurisdiction. The judge goes into the merits of the case and makes his decision, which is usually against the fugitive.

Now, assuming that a person who has committed a serious crime in Boston, is in New York, and the New York police are asked to arrest him, by the Boston police. In such case, similar, but reversed procedure would be followed. If the fugitive in New York does not waive his right to extra-



dition, he would have to be extradited. A fugitive who is not in custody can, if he so desires, leave the state of his own accord and go back to the jurisdiction from which he fled.

Occasionally, in New York City, when a fugitive from another state is arrested, on a request made by telegram, he is arraigned before a magistrate and held on a short affidavit, until the bench warrant arrives.

When there is no grand jury sitting in the county where extradition proceedings are to be commenced, the case is presented to a judge of a court of record, and an exemplified copy of the complaint signed by him is sent to the Governor of the state, with request for extradition papers.

NOTE—In New York City, if the person who is being extradited waives his right to be brought before a supreme court, he must do so in writing in the presence of the district attorney.

### *Uniform Act on Close Pursuit—*

Up to a year or so ago, a person who had committed a crime in one state and had escaped into another state while being pursued by a peace officer could not lawfully be taken back to the state where he committed the crime unless he was willing or was extradited. At present (1939) the following law is in effect in most states, as it will probably be in all in the near future:

Any peace officer of another state of the United States, who enters this state in close pursuit and continues within this state in such close pursuit of a person in order to arrest him, shall have the same authority to arrest and hold in custody such person on the ground that he has committed a crime in another state

which is a crime under the laws of the State of New York, as peace officers of this state have to arrest and hold in custody a person on the ground that he has committed a crime in this state.

A peace officer of a state where said law is in effect, who pursues a prisoner into a state which has a similar law, must take him before a magistrate therein. The magistrate determines if the arrest was in accordance with the provisions of the said law, and if so he turns the prisoner over to the officer. The officer must take him back to the state where he committed the offense without unnecessary delay.

This also applies to the District of Columbia.

*From the Federal Law—*

18 U. S. C. A. 408-e. Moving in Interstate or Foreign Commerce to Avoid Prosecution for Felony or Giving Testimony—

It shall be unlawful for any person to move or travel in interstate commerce from any State, Territory or possession of the United States or District of Columbia, with intent either (1) to avoid prosecution for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing, under the laws of the place from which he flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of the felony is charged.

Such flight is punishable by a fine of \$5000, imprisonment for not longer than five years, or both.

Prosecution can take place only in the federal judicial district in which the original crime is alleged to have been committed.

The defendant must have left the state to avoid prosecution therein. His mere absence from the state is not sufficient.

## International Extradition—

We will assume that Black has committed a felony in the State of New York, and is in a foreign country, which has an extradition treaty with the United States:

The police and the complainant in the case lay the facts before the district attorney of the county where the crime was committed.

If he is satisfied, he requests the Governor of the state to take action to extradite Black.

The Governor, if he so desires, notifies the Secretary of State of the United States of the facts, and requests him to take action.

The Secretary of State informs our ambassador in the country concerned of the facts and requests him to take action to cause the arrest of the fugitive. Our ambassador requests the proper tribunal to arrest Black.

After Black has been arrested, our ambassador notifies the Secretary of State of the United States, he notifies the Governor, and the Governor notifies the district attorney.

The district attorney appears with the witnesses in the case before a judge of a high court, and they make a deposition relative to the facts. These are certified to by the judge, the clerk of the court, and usually also by the county clerk of the county.

Triplicate copies of these depositions and an application for a requisition to the Secretary of State of the United States, are sent to the Governor of the state.

The Governor holds one set of the depositions and the application. He forwards the other sets and his requisitions to the United States Secretary of State, in Washington.

The Secretary retains one set and the requisition. The other set and his requisition are given to the officer who is to go to the foreign country for Black, together with the warrant of the President of the United States and a letter addressed to our ambassador in the foreign country concerned.

The officer goes to that country, delivers those papers to our ambassador. He institutes the necessary proceedings for having Black turned over to the officer. The officer brings Black back to New York in his custody, and the case then takes the usual course.

If there is no ambassador of ours in the foreign country concerned, the extradition is handled by our minister, consul, or other representative there.

## SUMMONS

A summons is an order in writing signed by a magistrate commanding the person named therein to appear at the court designated for the purpose of answering a charge made against him. Its distinction from a warrant is that the latter is an order to a peace officer to arrest the person named therein and bring him before the court. A summons is used in lieu of arrest in certain cases specified by law. The offense charged is

usually a petty one, and the object of the summons is to avoid dealing harshly with a petty offender and also to save the time of peace officers.

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The law and the police procedure mentioned in this chapter apply in substance mostly to New York State and City, but the general principles are the same in all states. Therefore, a police officer of another state who is studying this chapter should disregard any matter that is contrary to the procedure of the organization of which he is a member.

## CHAPTER XIII

### WITNESSES AND SUSPECTS

#### CLASSES OF WITNESSES

**W**ITNESSES in a criminal case may be divided into the following classes:

1. Those who have valuable information, have no reason for withholding it, and are willing to tell the authorities all they know about the matter.

2. Those who have some information about the matter, but when imparting it to the authorities exaggerate, owing to their mental condition.

3. Those who have valuable information, but do not want to inform the authorities.

4. Confidants of the perpetrator who "squeal" on him from an ulterior motive.

5. Accomplices of the perpetrator who "squeal" on him to save themselves from punishment.

A witness who has seen the perpetrator committing the crime, and is willing to tell what he knows about it is, of course, a most important witness, because his testimony is direct and positive. The evidence of one who has knowledge of

facts and circumstances from which the guilt of a suspect may be inferred is, also, of great importance.

## TAKING WITNESS' STATEMENT

When you are questioning a witness or a suspect, keep in mind that "what," "where," "when," "how," "who," and "why," are valuable reminders.

It is usually best to let a willing witness tell his story in his own way, without interruption. But it may be necessary to check him by leading questions if he is making an aimless statement.

It is usually best to write, or take stenographic notes of a witness' statement, while he is making it. But if such procedure flusters the witness, or makes him over-cautious, it is best not to record his statement until after he has once made it.

After the witness' statement has been reduced to writing, read it to him, change any points he desires and cross-examine him on it until you have all the facts that he knows. Then let him rewrite the statement, if he is willing and competent. If otherwise, have it written, ask him if it is true, and have him sign it in presence of witnesses. Then sign such statement yourself as a witness, and also have the other witnesses sign it.

If, after making the statement, and acknowledging its truth, he refuses to sign it, read it to him again in the presence of witnesses. Then you and they should sign it. In such case be careful to record on the statement the exact time, and the

conditions under which it was made. In very important cases, such a statement should be taken in affidavit form, and in the presence of a prosecuting attorney, if practical.

### Witnesses Who Exaggerate—

An unduly emotional, or half-witted person, when questioned at the scene of a crime, especially just after he had seen it committed, may be so excited that he draws on his imagination and tells a story to the police which is only partly true. Having done so, he is afraid to change it, and even sticks to it when testifying in court.

This kind of witness is a menace to an innocent, as well as to a guilty, suspect. Therefore, when you are examining a witness, you should be able to determine whether or not he is mentally competent. If you think he is a mental defective, you should inform the prosecuting attorney of your suspicion.

When examining a witness, and you suspect that he is a half-wit, test his intelligence along the following lines:

1. By questions involving reasoning in discovering absurdities, such as:

“I have three brothers, Paul, Ernest and myself.”

“An unfortunate bicycle rider has had his head broken and is dead from the fall; they have taken him to a hospital, and they do not think he will recover.”



2. By tests of imagination, such as:

“A person who was walking in the park, suddenly stopped, much frightened, and hastened to the nearest police station, reporting that he had seen hanging from the limb of a tree—(after a pause) - - - - what?”

3. By tests of memory, such as the repetition of numbers:

“8546” - “9231” - “475916” - “2736851.”

4. By questions involving comprehension, such as:

“What ought one to do when he has missed a train?”

“Why does one forgive a wrong committed in anger, more easily than he does one committed without anger?”

### Hostile Witnesses—

When you secure witnesses at the scene of a crime, or elsewhere, who are likely to be hostile, keep them separate until you have their statements, so that they will not have the opportunity to “frame up” a lying story.

The hostile witness who is loath to give information because he wants to avoid being involved in the case, but has no other interest in it, usually has one of the following reasons: he is afraid to incur the criminal's wrath; he does not want to lose time in court; or he desires to avoid publicity. He can usually be made to tell what he knows by being shown that he is liable to get in to more

serious trouble if he refuses to tell. Appealing to his civic pride is sometimes effective.

The witness who is hostile because he is a friend of the perpetrator, but who is a person of good character, with standing in the community, will not, as a rule, seriously jeopardize his own self-interest for that of a culprit. But the disreputable one who has no standing in the community, having nothing to lose, may prove more stubborn.

You should, when practical, examine a hostile witness in the office of a police station. His being there is likely to make him realize the gravity of the matter. Prior to the examination, obtain all information possible relative to his position, character, family, etc. And if he is disreputable, ascertain, if practical, what previous acts of his were unlawful or disgraceful. Make note of facts so ascertained and prepare a list of pertinent questions based on the facts you know and the facts you desire to learn.

Keep the witness waiting in your office with you for a period of time, before you commence the examination. During this period hold no conversation with him. Consult your note book during the interval, and show by your demeanor that you are stern and unaffable and that the examination of him by you is a serious and important duty. This attitude will probably cause him to become nervous and ill at ease. Commence the examination by asking questions relative to his name, occupation, social condition, etc.

It is sometimes best not to take notes during

the preliminary examination, because, when such a record is being made, he may be afraid to change a lying story. In going into the subject matter of the crime, do not say to him: "Did you see this?" Say: "You saw this." This method upsets any prearranged story he has in his mind. Cross-examine him until you get the truth, or you decide that he is not in the mood to tell you the truth. If the latter is the case, make a record of the substance of his lying story. Read it to him and inform him of the consequences of perjury. Ask him if he is willing to make an affidavit to it, informing him such affidavit may be necessary. This usually causes a reputable witness to show weakness, as he is afraid of being tangled in the meshes of the law. If he does show weakness, show him that he is jeopardizing his own self-interest for that of the criminal. If he has a family, point out the effect his conduct will have on them, etc.

This may weaken him to the extent that he is willing to tell you what he knows, provided it will be kept secret, and he will not be required to testify in court. If he is got to this point, he usually can be urged the rest of the way. But if he proves stubborn and insists on getting a promise of secrecy, consult the prosecuting attorney on the matter.

A disreputable hostile witness should be handled in a similar manner, except that the known and suspected facts of his previous bad conduct

should be used to put him in fear of trouble unless he tells the truth.

If you are unable to get a true statement from a hostile witness, turn him over to the other detectives, and see that he is questioned continuously for several hours. This method usually breaks down the resistance of even a very stubborn witness.

### **Confidants of the Perpetrator Who Betray Him—**

A witness who betrays the trust placed in him by the perpetrator usually does so from motives of jealousy or revenge. The accused may have discarded a sweetheart or taken up with one belonging to another. He may have refused to share his loot with his pal, or his pal may be jealous of his prestige in the underworld. Statements made by such persons, unsupported by other evidence, may not have much value in a court of justice. But such statements, when true, are valuable leads for the detective handling the case, and may be used as a lever by him to force the perpetrator to confess. The truth of such statements should be investigated thoroughly, as an innocent person may be accused with the object of diverting suspicion from the guilty one.

### **Witnesses Who Are Accomplices—**

The saying that there is honor among thieves is a myth. The average criminal caught with the goods will "squeal" on his confederate to lighten his own punishment or curry favor with the po-

lice. Those who do not "squeal" are not, as a rule, concerned about the ethics of the matter. They are simply afraid of incurring the enmity of their pals in the underworld and of the inmates of any prison to which they may be sent. Few criminals would be loyal to their confederates if they thought that the police would keep their "squeal" secret and that their "squeal" would purchase their own immunity from punishment.

Therefore, when two or more persons who have acted in concert in the commission of a crime are in the hands of the police, it is usually possible to get a confession from at least one of them.

## EXAMINING SUSPECTS

### Getting a Confession from a Guilty Suspect—

The examination of a person suspected of crime should be conducted along lines similar to those above described for a hostile witness. If there be doubt as to a suspect's guilt, the object of the examination should be to remove such doubt.

Generally speaking—when a guilty suspect is in your office with you, waiting to be examined, the facts of his crime are uppermost in his mind. His feelings are excited by fear of the consequence, to a degree equivalent to the strength of his imagination. His natural instinct of self-preservation is urging him to be strong-willed in resisting your efforts to fasten the crime on him, and he is determined to baffle your efforts to do so by the lying story he is going to tell. As he watches you

he is considering the points of the story and worrying whether it will stand the test of your examination. His nervousness increases with the passing minutes and he imagines that he is forgetting the story, that there are weak links in it, that you know all about his guilt, and so on.

You should not start to examine him until you feel that his nervousness and anxiety are at their summit. Keep in mind during the examination that the circumstances of his crime are stored in his mind, link-to-link, and that it is your job to get hold of one of these links and pull all the others out that are attached to it. Before you can reach the first link, you must remove the barrier which he has formed of the concocted story that he first tells you. Therefore, it is usually best to let him tell this story in his own way. The more he says, the more lies he will tell, and these lies are the weak points in the barrier.

Make a record of his statement while he is telling it. When he has concluded, read it carefully, make mental notes of the weak points and commence to question him. In many cases the defense is an alibi and the suspect has, as a rule, a plausible story framed up as to where he was at the time the crime was committed, and can account for every moment of it.

Therefore, in most cases you should begin at a point of time several days prior to the time of the crime, and question him in minute detail from that time up to the crime, and for the several days subsequent to it. He will not generally have

much difficulty in telling plausible lies as to his whereabouts at the time of the crime, provided he has prepared his alibi carefully. But he will have trouble in finding answers when questioned in detail as to his movements prior to and subsequent to the crime, even when his movements were perfectly lawful. Therefore, he will give lying answers in order not to excite your suspicion.

Having given lying answers, he cannot remember all he said when you examined him. This inability to remember confuses him. His trying to explain why he lied makes him still more "rattled" and gives you more openings for your attack. When you get to this point, keep him going; do not let his mind rest; make him explain the lies you have discovered. Do not say: "Did you say this?" when accusing him of lying. Say: "You said this."

At about this state, the intellect of the average criminal becomes more or less befogged; his will to resist his interrogator is breaking. His instinct is taking control of his actions; and he may confess, because:

1. He desires to avoid the pain of trying to find any more lying answers to questions; or

2. He feels that his answers have proved his guilt, and that it is hopeless for him to fight his fate; or

3. He hopes to shift the burden of his guilt to the shoulders of a confederate.

Of course, he may have many other reasons than the above for confessing—if he should do so.

However, this is the psychological moment for you to "jump him." Accuse him of the falsehoods he told in his alibi; accuse him of the crime; lead him to understand that he will be in a better position if he tells the truth, and so on. He may start his confession by telling a little of the truth, hoping that he will satisfy you and that you will not pester him about the other lies he has told—but if you get your hand on even one link of the crime-chain, you should be able to fish the other links out of him without much difficulty.

A confession made by a criminal should be recorded in the manner above described for a witness. After he has confessed, he should, if the crime is a very serious one, be made to describe the place of occurrence and lead the detective to it. The fact that he had done so could be testified to in court, even when he claims that his confession was obtained under duress.

When the detective who starts the examination of a suspect is unable to make progress with him, he should turn him over to another detective, and so on. The examination should be continued until there is no hope of bringing it to a successful conclusion or the suspect clearly demonstrates his innocence.

If the suspect's defense is an alibi, check it up, if practical, while he is being examined. This is important, because if he sees that proof of the falsity of his alibi has been obtained, he may forthwith confess his guilt.

The examination of even a guilty suspect should



be conducted fairly; and if there be any doubt of his guilt, even after he has confessed it, the detective concerned should check up his statements, and he should inform the prosecuting attorney if he finds that the defendant has accused himself falsely in even the slightest particular.

Almost all authorities on the subject say that a voluntary statement made by the defendant to the police, prior or subsequent to his arrest, is admissible as evidence in his prosecution, even though he was not cautioned before he made it that it might be used against him. Still, it is well, when practicable, to caution the defendant, especially if, after he has been in police custody for some time, he expresses his willingness to confess.

The fact that he was so cautioned would be additional proof that his confession was not obtained under duress.

It should be remembered that an innocent person may confess guilt if unfairly harassed by the police.

It is good practice, in some cases, to have a stenographer take down everything the police said and everything the suspect said during the examination.

If the suspect speaks a foreign language and does not speak English well, evidence of his guilt or innocence is sometimes obtained by the following method:

A detective who speaks the same foreign language questions suspect through an interpreter who is a near relative or close friend of the sus-

pect, neither suspect nor interpreter being aware that the detective speaks that language. The suspect, if he is guilty, will usually make incriminating remarks, thinking that the detective does not understand. When the climax of the examination is reached, the detective, speaking in the foreign language, accuses the suspect of any incriminating remarks he has made.

### Testing a Suspect—

The following methods are sometimes found effective in establishing the guilt or innocence of a suspect. The theory on which they are based is that when a person commits a crime the successive steps he took in its commission are stored in his mind, one attached to the other, like the links of a chain. And that when one link is brought out of his mind, the next one will follow, as a matter of course, unless held back by his will power.

#### *Method No. 1—*

Prior to the examination of the suspect, you should write the known details of the crime, and underline significant items. Read this to the suspect, leaving out or skipping over the significant items. Then instruct the suspect to write or repeat what you had read. Provided your narrative be of sufficient length, the suspect, if he be innocent, cannot remember all you said. Consequently, in repeating what you said, he may make mistakes, but the words he adds or leaves out will not be significant.

On the other hand, if the suspect be guilty he will suspect a trap of some kind while you are reading, so cannot remember all you said. But as all the details of the crime are already in his own mind, he will be able to repeat most of what you said, and not being able to remember the significant details which you omitted, he would supply them.

*Method No. 2—*

Prior to the examination, prepare two columns of words in the following way: Write about twenty common words in one column, which have no special significance, such as bread, house, automobile, men, etc. Next write another column of about the same number of words, using some of the words used in the first column—and some of the words that are connected with the crime such as revolver, if a revolver were used in its commission.

Then inform the suspect that you are going to read some of the words to him, and that as you mention a word he should immediately say any word that comes into his mind when he hears it. Have a stop watch in front of you; start in the first column, and as you say a word, record the word said by him when he heard it, and the time he took to respond. Add up the time he took to respond, and you will have the approximate quickness of his mind, as well as the time he took to respond to each word.

Next go down the second column. When you

read a significant word—we will say it is revolver—his mental reaction, if he is guilty, will be about as follows:

The word revolver brings another word connected with the crime to the tip of his tongue. If he should utter it, it points to his guilt. But, as a rule, he realizes that this is so, so he sends the significant word back to his mental storehouse, and uses some other word. This mental process takes time. Therefore, if the suspect is guilty, the time taken by him to respond to such significant word will be longer than the time taken by him to respond to other words. Also it will take him longer to respond to all the words in the second column than it did to respond to the words in the first column.

An innocent suspect would take about the same length of time to respond as in the first instance

NOTE—Some examiners use only one column of words.

### *Other Truth-Seeking Methods—*

1. Scopolamin. It is claimed for this so-called "truth serum" that if it is hypodermically injected into a person by a skilled physician, it will arrest the operation of the subject's will and reason, and that while under its influence he will truthfully answer questions and even confess his guilt if he has committed a crime. This test may injure the person who submits to it, and it is not legal to administer it to a person against his will. Moreover, it is not a reliable test in some cases.

2. Mechanical Lie-Detectors. There are several kinds of scientific machines, including the Sum-

mers pathometer and the Keeler polygraph, for which it is claimed that by their use in the examination of a suspect it can be determined whether his answers to significant questions are true or false. The evidence obtained by some of these devices—including the ones mentioned—has been submitted in some cases to the consideration of a jury in a court of justice.

When a person is being examined with the Keeler polygraph, it continuously and quantitatively records his blood pressure, pulse, and respiration in the form of a graph. As the record is being made, the paper is turned by a motor-operated device.

The test cannot be skillfully conducted unless the operator of the apparatus and the cross-examiner are experts. The questions asked are usually prepared, in substance, prior to the examination.

In order to get pertinent matter for such questions, the suspect is usually permitted to tell his story in his own way before he is examined with the apparatus.

For instance, assume that a man was shot and killed in a quarry on July 1. Black is suspected of the crime and is being given the test.

Black would be put on the apparatus, and the necessary adjustments made. Then the apparatus would be started and allowed to run normally for a few minutes, to ascertain Black's normal fluctuations. This done, he would be asked significant questions pertaining to the crime. These questions are usually interspersed among indifferent

ones, the theory being that a guilty suspect is shocked and made tense by fear of detection when asked a dangerous question, and that this emotional shock affects his blood pressure and respiration, and is registered on the graph in the form of fluctuations above the norm.

For instance, Black, being guilty, is asked the following questions and gives the answers indicated:

Q. 1.—Do you smoke? A.—Yes.

Q. 2.—Are you married? A.—No.

Q. 3.—Is your name Black? A.—Yes.

Q. 4.—Did you spend any time in a quarry on July 1? A.—No.

Nothing in Questions 1 to 3 would shock Black or affect his blood pressure, but Question 4 would probably cause it and his respiration to fluctuate violently. This, of course, would be indicated on the graph.

On the other hand, an innocent person suspected of a crime and questioned about it may for one reason or another tell a substantial lie, and the fear of being detected in it would probably affect his blood pressure. An innocent person asked a question which showed him that he was suspected of a serious crime might get violently angry, and of course this would affect his blood pressure.

While a suspect is being examined, an expert is supposed to keep him under observation and appraise his physical reaction when a significant question is asked. This expert and the operator

of the apparatus usually act in concert with each other in interpreting the graph.

NOTE—It should be remembered that these deception tests are somewhat in the experimental stage. Furthermore, they will probably not be admitted as conclusive in a court of justice until it can be demonstrated that they are error-proof. Nevertheless, they are apparently highly useful in the preparation of certain cases where there are actual conflicts of testimony.

### General Points—

Cross-examination is undoubtedly the best legal method that can be used by an investigator to determine whether a suspect is guilty or innocent, especially when the examiner has a clue on which to base his questions. The examiner, however, cannot, generally speaking, examine a suspect skillfully unless he has experience, training, and a common-sense knowledge of criminology and psychology.

It is the duty of the officer to get the truth by legal methods; but, whatever method he may be using with that object, he should keep the following things constantly before him:

Each human being is different from all others, and the individual peculiarities of each suspect must be studied.

Some guilty suspects are expert liars, and can lie cunningly while maintaining an air of innocence and sincerity.

While the average liar can at times lie expertly, all liars have "off days," when they are out of form and it is not difficult to trip them up.

An innocent suspect—especially a psychopath—may confess guilt to make himself notorious, or to have himself committed to prison with his pals, or to enmesh an innocent person against whom he has a grievance, etc.

An innocent suspect may show symptoms of guilt, such as flushing, nervousness, not eyeing his interrogator, etc. A guilty suspect may show no apparent symptoms of guilt.

A person cannot lawfully be compelled by duress to tell the truth, and a confession so obtained cannot be testified to in a court of justice against the person who made it without his consent. It should be remembered that duress applies to verbal threats as well as to physical force.

A confession obtained out of court by the police is sometimes repudiated by the criminal who made it on the contention that it was obtained by force and violence. Therefore, in important cases, a criminal should, if practicable, be photographed in the nude after he has confessed, so that it can be proved that there were no marks of violence received by him while in the hands of the police.

### **Points to Remember in Handling a Suspect—**

1. When it is necessary to have a suspect identified by a witness, you should put him in line with several persons of the same sex, and permit him to take any place in the line that he desires. Then have the witness inspect the line, and instruct him to place his hand on the person whom he suspects if he sees him in the line, and also



to announce that it is he. If more than one person is to inspect the line-up, permit the suspect to change his position in the line, after each inspection, if he so desires. If the witness identifies the suspect, take the names of all the other persons who were in the line with him during the identification.

This is the fairest method of having an identification made, but the law does not require it. An identification is legal even if made when the defendant was alone in a room.

2. When a suspect is arrested who may have to be identified by a witness, do not permit him to change any part of his outer clothing before he is lined up for the inspection.

3. Frisk a person immediately whom you take into custody, especially one suspected of a serious crime, and remove from his possession any weapon which he could use to effect his escape or to injure you or himself. Give him no opportunity to escape nor to dispose of evidence. Search him thoroughly as soon as permitted by departmental regulations, and remove from his possession all property unlawfully carried, or which is required as evidence, also all other property prescribed by departmental regulations. Remember when searching him that suspects sometimes conceal small contraband articles on their persons in the following places: hatband, trousers cuff, secret pocket, money belt or pocketbook, padding and lining of garments, shoe, stocking, watch case, hair of the head, jock

straps, truss, under the plate of false teeth, under the armpit, in books and documents, etc.

If the suspect is charged with homicide or other serious crime of violence, including sodomy, rape, or other such sex crime, scrutinize his body for connective evidence such as scratches, cuts, bruises, bullet wounds, powder or other stains, etc., and have any you find photographed. Also, in such cases, examine his clothing, including his shoes, for rents, knife cuts, bullet holes, blood-stains, seminal stains, hairs of victim, buttons torn off, adhering fibrous matter, etc.

Ofttimes connective evidence, other than that above mentioned can be found on a suspect's person, or upon the tool, weapon, or instrument he had used in the commission of the crime. For instance, when a burglar in the act of burglarizing a premises is boring a safe or sawing the iron bars of a window, metal particles of the safe or of the bars, as the case may be, invariably adhere to his clothing and to the tool he is using. They even fall into his pockets and his trousers cuffs.

The same applies in respect to brick and lime particles when a burglar is breaking through a brick wall, and to glass particles when he smashes a window and enters through it. Furthermore, when a criminal carries stolen fabrics in his arms, especially woolen fabrics, particles of them usually adhere to his clothing. When he fires a shot, powder usually stains his hand; when he stabs a person, blood stains his weapon.

Remove from a suspect as soon as practical all clothing or other things which have potential value as evidence, especially in serious crimes. Carefully handle same, and mark them so that their value as evidence is kept intact. If there are blood or other stains on a garment that have evidential value, draw a circle around each stain or small group of stains with crayon chalk or indelible pencil.

(See "Police Laboratory," Page 522.)

## CHAPTER XIV

### EVIDENCE

#### RIGHTS OF THE DEFENDANT

**T**HE Constitution of the United States provides that no person shall be deprived of his life, liberty or property, except by "due process of law."

Therefore, when a person violates the law of any of our states, he is entitled to a fair and impartial trial, according to the law of the state where he committed the offense. If he violated the federal law, he is entitled to a trial according to established federal procedure. This is what is meant by "due process of law."

A defendant charged with a felonious or otherwise infamous crime in any of our states, is entitled to a trial before a jury of his peers as a constitutional right; but if he is charged with a misdemeanor, and the state where he has offended has established some other lawful criminal procedure for the trial of such particular offense, his trial, according to such procedure is "due process of law." He is not in such case entitled to a trial by jury as a "constitutional right."

All violators of the federal criminal law are tried by jury, unless the defendant waives the right.

A defendant in a criminal action is also entitled to:

1. Be considered innocent until proved guilty.
2. Be admitted to reasonable bail pending trial of his case.
3. A speedy and public trial and the aid of counsel in his defense.
4. Be informed of the nature of the offense he is charged with; be confronted by his accusers in open court, and to cross-examine them.
5. Be considered to be of good character, unless he waives that question, or he is being tried as a second offender.
6. Refuse to take the stand as a witness for or against himself. This privilege only applies to oral examination before or upon the trial. The law may compel the accused to furnish evidence against himself by compelling him to exhibit any portion of his body for evidence, marks, or bruises; by having him identified by a witness; by searching him for stolen property; or by taking his fingerprints, photograph, or measurements.
7. Compulsory process to compel the attendance of witnesses in his favor.
8. Dismissal of the charge against him unless he is proven guilty beyond a reasonable doubt.
9. Appeal his case to a higher court if convicted.

10. Be free from further prosecution if acquitted of the charge.

### **Ex Post Facto Laws—**

An *ex post facto* law is a law enacted after the accused has committed an offense, which alters the situation to his disadvantage.

### *Examples—*

(a) Brown committed an act that was not a criminal offense at the time he committed it, and subsequently it was made a crime. He could not be tried for such an offense.

(b) Brown committed an offense which at the time was punishable by one year's imprisonment, but when he was tried for the offense the punishment had been increased to five years. He could not be sentenced to more than one year.

## **RULES OF EVIDENCE**

The law of evidence is concerned principally with two things:

1. What may be proved in court?

2. How may that thing be proved? The burden of proof rests upon the prosecution, at all stages of the trial. Each party to the action has the right to cross-examine the other party's witnesses for the purpose of testing:

(a) The value of their statements.

(b) Their attentiveness in observing.

- (c) The strength of their recollection.
- (d) Their disposition to speak the truth.

### Impeachment of a Witness—

Either party to the action may impeach the credibility of his opponent's witness by showing that:

1. He has at some previous time been guilty of crime or otherwise bad conduct.
2. His reputation for truthfulness is bad.
3. He has made previous statements which are contrary to his testimony.
4. He desires to unduly favor the party he is testifying for, and is hostile to the one he is testifying against.
5. He, at the time of the occurrence, was intoxicated, drugged, or otherwise incompetent to observe correctly.

### Hearsay Evidence—

A witness, as a rule, is only competent to testify to what he, himself, saw, heard, smelt, tasted or touched. It would be unfair practice to permit a witness under ordinary circumstances to testify to what somebody else had told him about the defendant, because that would be depriving the defendant of his right to cross-examine the person who had told the witness. Evidence such as that is hearsay evidence.

### *Examples—*

- (a) White testifies that Black has stabbed him with a knife. This would be direct evidence.

(b) Brown testifies that he saw Black stab White with a knife. This also would be direct evidence.

(c) Patrolman Smith testifies that White told him that Black had stabbed him with a knife. This would be hearsay evidence and not allowed, except under the following circumstances:

(i) Patrolman Smith testifies that White told him in Black's presence that Black had stabbed him with a knife, and that upon hearing this Black ran away. Patrolman Smith could testify to this, not to show that White's statement was true or false, but to show what Black had done on hearing it. The fact that Black had run away would be considered an admission of his guilt, but not sufficient evidence to convict him of the crime.

(ii) Patrolman Smith testifies that White, who had died from the effects of a wound inflicted by Black with a knife, told him that Black had inflicted such wound. This would be hearsay evidence; it would be allowed only if it were White's dying statement.

### *Dying Declaration—*

It is supposed that a person realizing that he is at the point of death and "about to face God" is not likely to make a false accusation against another person. Therefore, a dying declaration



may be testified to by the person to whom it was made, provided:

1. That the person at the time he made it was suffering from an injury unlawfully inflicted, and that he believed he was at the point of death as the result of such injury, and had no hope of recovery.

2. That he had subsequently died from such injury.

3. That the defendant in the case is being tried for such homicide.

The following are examples of dying declarations which would show that the injured person believed he was at the point of death, and had no hope of recovery:

(a) "I have been shot, and I am dying."

(b) "I cannot live. I want to tell who shot me."

(c) "I am about to die, and there will be nobody to take care of my family."

(d) "I am dying—I want a priest."

The following examples would indicate that the dying person had hopes of recovery, and therefore the statement could not be testified to:

(a) "I am shot—perhaps I am going to die—but who knows?"

(b) "I may die, but if I recover, I will attend to the 'guy' who shot me."

(c) "Yes, I want a priest—it will do me good to confess, even though I do not die."

Even though the injured person lived for a

considerable time, after he had made a proper dying statement, it can be testified to.

A dying declaration may be oral or written. A policeman, however, should, if practical, on receiving a dying statement, reduce it to writing, read it to the injured person in presence of witnesses, and have him and the witnesses sign it.

The following is a sample of a dying declaration. Care should be taken, however, that the declarant fully understands the questions, as, otherwise, the court might conclude that the "yes" or "no" answers were obtained by careless methods:

Q. What is your name?

A.

Q. Where do you live?

A.

Q. Do you now believe that you are about to die?

A.

Q. Have you any hopes of recovery from the effect of the injury you have sustained?

A.

Q. Are you willing to make a true statement as to how and in what manner you came by the injury from which you are now suffering?

Statement: (If possible the statement should be written out and the victim's signature obtained).

Witnesses:

.....  
 .....

If the injured person does not believe he is about to die, or will not state his belief, the statement should be taken, nevertheless, as while it cannot be testified to, it may prove valuable as a lead to the guilty person. If the person who has committed the offense is arrested prior to the death of his victim, he should, if practicable, be brought before his victim for identification.

*Other Apparent Exceptions  
to the Hearsay Evidence Rule—*

A spontaneous exclamation of pain or suffering made under circumstances which exclude the possibility of fabrication, may be testified to by the person who heard it (see "Res gestae," P. 622).

*Example—*

White, a clerk in a store, was shot therein by a robber. He immediately thereafter staggered to the door, and meeting Patrolman Smith, who was rushing in, pointed to a man who was running away, and exclaimed:

"Officer! Get that man—he has just shot me."

Patrolman Smith could testify to this in the trial of the robber—but, supposing that when White was shot he telephoned to the police. Sometime afterwards Patrolman Smith arrived at the store—White then told him about the shooting. Patrolman Smith could not, in such case, testify as to what White had said, unless it was White's dying declaration.

*Rape Cases—*

When a person is being tried for rape, the victim may testify that she complained of the occurrence promptly. This is to show that she did not consent.

The person to whom she complained can testify that she had done so. This is to corroborate her statement that she did not consent.

*Example—*

Mary White, wild with excitement, rushed up to Patrolman Smith, who was on his beat, and pointing to a running man, said:

“Officer, arrest that man, he has just knocked me down and raped me.”

Patrolman Smith could testify to this in the trial of the accused person. If Mary White did not immediately complain because she was detained against her will, or was in great fear, the fact that she had complained as soon as possible could be testified to.

**Admissions—**

Admissions are facts from which the guilt of the defendant may be inferred. Such evidence is, to an extent, an exception to the hearsay rule. When a defendant offers proof on certain points, admission evidence may be used to show that his acts or declarations were inconsistent with the proof he has offered. The following are examples that would be considered to be admissions of guilt:

(a) Black, suspected of robbing White, fled from the state immediately after the occurrence.

(b) Black, in the presence of Patrolman Smith, was accused by White of robbing him, and Black remained silent. This would not be an admission if Black were deaf, or did not understand the language spoken.

(c) Black, prior to his trial for robbery, attempted to bribe a witness against him to leave the jurisdiction of the court.

### Confessions—

A confession is an expressed admission of guilt. It may be oral or written, formal or informal, or a detached conversation with many people. Even a private letter to a friend admitting guilt is a confession. The theory is that an innocent person is not likely to voluntarily admit that he is guilty of crime.

A voluntary confession of guilt made by a defendant in a criminal action may be used against him, even when he was not informed of that fact, before he made it, except that:

1. A magistrate is required to inform a defendant of his rights, before receiving his confession.

2. A district attorney who obtains a confession under promise of immunity, must not use it against the maker.

3. A defendant charged with a violation of a federal statute should be informed of his

rights before a confession is received from him.

4. When a witness is induced to confess under promise of immunity, by any person who has the power, or apparent power, to give such immunity, his confession cannot be used against him.

5. A privileged communication or confession cannot be used against the privileged person, without his consent.

### *Privileged Communication—*

A privileged communication is any information which any of the following kinds of persons derive from the other by reason of a confidential relationship existing between them:

*Attorney and Client*—The attorney who derives confidential information from a client in connection with a case where the client is, or may be, a defendant in a criminal action, is not allowed to divulge such information at the trial of such client without his consent provided that the advice is not sought for the purpose of committing an unlawful act. Neither is the client allowed to divulge the advice the attorney gave him. This privilege of the defendant, however, only applies to what he himself has told in confidence.

### *Example—*

White, who was shot and killed by Black, was Attorney Brown's client. Prior to his death he made a dying declaration to the attorney accusing Black. The attorney could testify as

to such statement in Black's trial, even though Black objected.

*Clergyman and Penitent*—If an accused person has confessed his guilt to a clergyman, while seeking spiritual advice, the clergyman cannot testify as to that fact, without the defendant's consent.

*Doctor and Patient*—If the defendant, while a patient of the doctor, gave him confidential information which would incriminate him, or if the doctor obtained such information by treating the patient, the doctor could not divulge such information in the trial of the defendant without his consent.

*Example*—

(a) Black is on trial for killing White. In the course of the murder he received injuries for which he was treated by Dr. Brown. He informed Dr. Brown in confidence as to how he received the injuries. White, before he died, was attended by Dr. Brown and made a dying declaration to him accusing Black. The doctor could testify as to what White had told him, but not as to what Black had told him. The exception to this would be where the doctor's information was given to him in confidence, and might bring disgrace on the name of the dead person concerned.

(b) Dr. Brown attended Mary Jones who was dying from the effects of a criminal abortion. She made a dying declaration to him, accusing Black, but requested him not to divulge

it. Dr. Brown could not be compelled to testify to such statement in Black's trial, not because Black had a right to object, but because it would bring disgrace on the name of the dead Mary Jones.

*Husband and Wife*—Neither one can divulge in the trial of either, without the consent of both, confidential information imparted to each other. In New York State, however, this rule does not apply when the husband is charged with abandoning his child in destitute circumstances. If, however, either the husband or wife is being tried for a criminal offense against the other, the victim can testify against the accused. Also a husband or wife who learns that the other has committed a crime, but not through their confidential marital relations, can testify against the accused.

*Testimony Based on Confidential Conversation*—

A third person who overhears a confidential conversation between two privileged persons can testify to it. This rule does not apply when the third person got the opportunity to hear what was said because he or she was employed in a confidential capacity by either of the privileged persons, such as a nurse employed by a doctor, or a stenographer employed by an attorney.

*Example*—

Black is in a prison cell charged with robbery, and in conversation with his wife. Dur-



ing the conversation, Black confesses his guilt. White, in an adjoining cell, overhears the conversation. He could testify to this at Black's trial, even though Black objected.

*Confessions Made While Under Duress—*

A confession obtained by force or by putting a defendant in fear of injury, or other harm of any kind, cannot be used against him.

*Examples—*

(a) Black confesses because he is being beaten.

(b) He is informed that he will be put in a rat infested cell if he refuses; and he is afraid.

(c) He is informed that a false charge will be made against him if he refuses.

(d) He is accused of raping a child. He confessed because an angry mob were threatening to lynch him, and he was afraid they would do so.

Although a confession made by a prisoner under duress cannot be used against him, the action taken as a result thereof may be.

*Example—*

Black is accused of stealing property, and under duress he confesses to Patrolman Smith that he had pawned the property in a certain pawnshop. Patrolman Smith finds the property in the pawnshop. He could testify in Black's trial that, as a result of a conversation

he had with him, he went to the pawnshop and found there the property which had been stolen. Naturally, the jury would infer that Black had stolen it.

### *Confessions Obtained by False Promises—*

An innocent person accused of crime might be induced to confess by promising him to set him free. Therefore, false promises of this kind should not be made by officers who have not the power to carry out the promise. If, however, a prisoner confesses because the policeman has promised to do what he can to get him a light punishment, no harm is done to the prisoner. A policeman, however, who makes such a promise should keep it.

### *Confessions Obtained by Deception—*

While the courts do not sanction deception as a means of obtaining a confession, still the fact that a confession was so obtained does not cause it to be withheld from the jury.

### *Example—*

Black was in a prison cell charged with robbery. Patrolman Smith, by pretending to be a prisoner, occupied the same cell as Black, and gained his confidence; so he confessed his crime to Smith. This could be testified to by Smith.

### *Points on Confession—*

A defendant cannot be convicted on his own confession unsupported by other evidence, unless

such a confession is made in open court after a plea of guilty, and then only after it has been proven that the crime charged has been committed. A prisoner charged with murder in the first degree is not permitted to plead guilty.

A confession made by a defendant while he was under the influence of alcohol or drugs, can be used against him, but not if he were in such a mental condition that he did not know what he was saying.

### Witness Compelled to Testify—

A witness has, as a rule, the right to refuse to answer a question which would incriminate and degrade him. In the State of New York a person may be compelled to testify in the trial or investigation of the following offences, even though he claims that his testimony may incriminate him. But if compelled to testify, he is granted immunity by statute, unless he waives such privilege.

1. Criminal Anarchy.
2. Bribery and Corruption.
3. Bucket Shops.
4. Conspiracy.
5. Dueling.
6. Election Law.
7. Masquerades.
8. Gambling.
9. Disturbing Lawful Meetings.
10. Prizefighting and Sparring.

11. Riots and Unlawful Assemblies. .

12. Kidnaping (Article 118—Penal Law).

NOTE—There are a few other minor offenses to which this applies.

### **Testimony at Former Trial—**

The testimony of a witness given in a previous trial of a case, while he is subject to cross-examination, may be admitted in evidence in a subsequent trial, if—

1. He has died.
2. He has become insane.
3. The court is shown that he cannot be found in the state after diligent search.
4. Being a resident he is absent from the state and in the military or naval service of the United States.

### **Opinion Evidence—**

As a general rule, a witness must testify to the facts, and must not testify as to what opinion or conclusions he has drawn from the facts. But, nevertheless, an ordinary witness is allowed to give his opinions and state his conclusions in re—

1. Color; weight; light; darkness; or
2. Taste; smell; touch; or
3. Emotion, such as anger, mirth; or
4. Condition, such as intoxicated, drugged; or
5. Identifications and likeness, such as identifying a person from his photograph.

An ordinary witness, made competent to judge by experience, may testify to the speed

of a vehicle; and one who is familiar with the handwriting of another may testify as to whether in his opinion a particular piece of writing was made by such other person.

### *Expert Opinion Evidence—*

Before a witness gives his opinion as an expert in a court of justice, he must qualify by showing that he has a technical knowledge of the subject. In criminal cases, experts in fingerprints, handwriting, chemistry, ballistics, sanity, and medical science are often witnesses.

### **Evidence of Character and Reputation—**

Character is what a person is innately, and reputation is what he is reputed to be. The defendant in a criminal prosecution is allowed to call witnesses to his good reputation in the community where he lives, to show that a man of his reputation would not be likely to commit the offense charged. But if the proof against him is positive, his reputation or character is of little weight except, perhaps, to lessen his punishment. But if the evidence for and against him is about evenly divided, his good character is supposed to turn the scale of justice in his favor. For instance, the accused is charged with assault and pleads self-defense; witnesses testify that he has the reputation of being a peaceable, inoffensive man. This should help him. Now, assuming that it was proved that the complainant had the reputation

of being a "bully," this should help him still more, and perhaps would cause the jury to decide in his favor.

### **Evidence of Previous Similar Acts Generally Inadmissible—**

Similar acts previously committed by a person on trial for a particular offense cannot, as a rule, be testified to.

#### *Example—*

Black is charged with robbing White. Evidence that he had robbed Jones some time before would not be admitted.

The *exceptions* arise whenever a certain chain of offense shows criminal intent on the part of the accused.

#### *Examples—*

(a) Black is charged with receiving stolen goods from Smith on a certain date. As proof that he knew such goods were stolen, evidence may be offered that he bought stolen goods from Smith on other dates.

(b) Black is charged with obtaining money from White on a worthless check. As proof that he had criminal intent evidence may be offered that he gave similar worthless checks to other persons.

(c) Black is charged with passing counterfeit dollar bills. As proof that he knew such bills were counterfeit, evidence may be offered

that he passed similar counterfeit bills on other persons.

(d) Black is charged with standing at the window of his home, on a certain date, with the private parts of his person exposed. As proof that he did so intentionally, evidence may be offered that on other days he committed similar acts.

### **Evidence of Motive and Preparation—**

When there is a question as to whether any act was done by any person, any fact which supplies a motive for such an act or constitutes preparation for it is deemed to be relevant.

#### *Examples—*

(a) Black is accused of killing White. The fact that Black would inherit White's property, that he had quarreled with White prior to the killing, that he had occasion to be jealous of White, etc., may be proven.

(b) Black is accused of a crime. The fact that he procured the instrument with which the crime was committed, or threatened to commit such crime, or stated that it was his intention to commit it, or had intention to commit such crime, would be relevant evidence.

### **Conduct of Defendant**

#### **Subsequent to Commission of Crime—**

When a person is charged with the commission of a crime, any subsequent conduct of such per-

son apparently influenced by the doing of the act which constituted the crime, and any act done in consequence of it by, or by the authority of, such person, may be testified to.

*Example—*

It would be relevant to testify that subsequent to its commission, he ran away or hid himself; or that he was in possession of the property that was acquired by the crime; or that he concealed things which were, or might have been, used in the commission of it; or that he made an effort to secure the absence of witnesses; or that he refused to be searched, etc. His conduct when the crime was mentioned in his presence or hearing would also be relevant.

**Telephone Conversation—**

A telephone conversation may be testified to by a person who heard it, provided he is able to identify the person alleged to be speaking by his voice.

In some instances a telephone conversation may be testified to for the purpose of showing that subsequent acts resulted from it. For instance, a person listening in on a telephone hears the following conversation:

“Is this Mrs. Brown?”

“Yes.”

“This is Jones speaking. Will you send the prostitute Florrie to my home at 200 Blank Street?”

“Yes.”



The person who heard such conversation could testify to the fact that he heard a conversation and subsequent to it saw the prostitute Florrie leave the home of Mrs. Brown and enter that of Jones.

### **Wire-Tapping; Evidence Unlawfully Obtained—**

A policeman or other peace officer should not tap a person's telephone wire for any purpose, even to obtain evidence of crime, unless he is justified by the law of his state and the established procedure of the police department of which he is a member.

Remember that evidence illegally obtained cannot be used in federal courts of justice nor in those of certain of our states; although in other states the doctrine of law is that where evidence has been illegally obtained—as when a peace officer, while in the performance of his duty, obtains evidence by an unlawful search or seizure—the courts will nevertheless receive such evidence, provided it is intrinsically relevant and material to the issue as to which it is offered.

In 1919, a policeman in New York State obtained evidence in the performance of his duty by tapping a telephone wire. The law of the state at that time prohibited the tapping of telephone wires and did not specifically exempt policemen from its provisions. The policeman concerned was charged with the crime of tapping the wire unlawfully. However, his action was justified by a high court on the grounds that the cited section

of the law did not apply to officers of the law in the performance of their duty.

New York State peace officers now (1939) must obtain a court order before tapping a telephone wire for evidence.

Under the provisions of the federal law, federal officers are allowed, without a court order, to tap telephone wires for evidence in intrastate but not in interstate communications.

### **Corroboration Necessary for Conviction in the State of New York—**

The testimony of a female must be supported by other evidence, if she charges a person with any of the following offenses against her person:

- (a) Abduction.
- (b) Compelling her to marry.
- (c) Compulsory prostitution.
- (d) Rape.
- (e) Seduction.

The testimony of either of the offending parties must be corroborated to support a charge of adultery.

The testimony of an accomplice or a child under twelve years of age must be corroborated in every case.

## **KINDS OF EVIDENCE**

### **Presumptions—**

Broadly speaking, there are four principal presumptions in evidence. It is presumed that every-

one should know the law; when a person slanders another, it is presumed that he had criminal intent; a man is presumed to be innocent until proved guilty; and an infant is presumed to be incapable of committing a crime.

*Disputable Presumptions—*

A disputable presumption presents itself when a prima facie case has been established by certain facts which are known. The defendant has the burden of proving that such prima facie evidence is not sufficient to convict him, and the prosecution must prove that it is sufficient.

*Example—*

(a) White was murdered and robbed of a gold watch. Black was found in possession of the watch shortly after the murder and could not lawfully account for its possession. It would be presumptive evidence that he murdered and robbed White.

(b) Black is found in possession of recently stolen property, which he cannot lawfully account for. It may be presumed that he is either a receiver or a thief.

**Circumstantial Evidence—**

Circumstantial evidence is evidence of facts and circumstances from which the existence of the fact to be established may be inferred.

*Example—*

(a) Patrolman Smith saw Black come from a grocery store, late at night. Knowing Black

to be of bad character, he stopped him and took him back to the store. There he found White, the groceryman, dead from a stab wound. On searching Black, he found a blood-stained knife in his possession. The knife blade was the same size as the wound. Black stated that when he entered the store to buy goods, he found White on the floor with a knife stuck in him. Not realizing that White was dead, he pulled out the knife to help White. Then seeing that White was dead, he became confused and frightened, so he put the knife in his pocket, and hurriedly left the store to avoid trouble.

This would be a case of circumstantial evidence. Yet the burden of proving that it was sufficient evidence would rest upon the prosecution.

(b) Black entered the room in which there was a watch lying on the table; just after Black departed, the owner of the watch entered the room and found it missing. No person had entered the room, through the door, from the time the watch was last seen, except Black. A window in the room opened upon an areaway, but it was almost impossible to climb up to it, as it was two stories above the ground.

Black was searched soon after the occurrence. The watch was not found on him, and he denied the theft.

This would be circumstantial evidence of Black's almost exclusive opportunity to steal the

watch. But the open window would supply a doubt, and he would have to be given the benefit of it.

### **Corroborative Evidence—**

Corroborative evidence is additional evidence to the same point as that already given.

#### *Example—*

A woman charges Smith with raping her by force, and states that she screamed at the time of the occurrence; the testimony of a person who heard such scream would be corroborative evidence.

### **Hearsay Evidence—**

This is evidence that consists of statements that the witness has heard from persons other than the defendant; as a general rule it is not allowed.

### **Direct Evidence—**

The evidence of witnesses who testify as to their actual knowledge of the facts to be proved, is direct evidence.

#### *Example—*

Smith states that he saw Black stab White with a knife.

### **Relevant Evidence—**

Evidence of a fact that bears some relation to the fact at issue is relevant evidence.

*Example—*

Black is charged with setting fire to a house. He is supposed to have driven there in a horse-drawn vehicle. Patrolman Smith testifies that shortly after the fire, he harnessed Black's horse to a vehicle, and drove it over the same route; that the horse made all the twists and turns along the route without being guided by him, until it reached the barn, where it stopped of its own accord. This would indicate that the horse had been there before. Therefore, the evidence was relevant.

*Irrelevant Evidence—*

Assuming that in the above case, Patrolman Smith testified that Brown has a horse and wagon in which he could have driven to the barn, but offered no proof that he had done so; this would be irrelevant evidence.

**Material Evidence—**

This is evidence that tends to establish some fact in dispute.

*Example—*

Black is accused of seducing Miss White. She claims that she at the time was a virgin. Brown testifies that he had sexual connection with Miss White before Black did.

**Competent Evidence—**

This is proof of the fact at issue in a particular case.

*Example—*

Black is accused of writing a threatening letter to White, and White offers the letter in evidence as proof of that fact.

*Satisfactory Evidence—*

Assuming that in the example above stated Brown testified that he saw Black write the letter to White, this should make the evidence sufficiently strong to satisfy an unprejudiced mind. Therefore, it is satisfactory evidence.

*Cumulative Evidence—*

This is evidence of the same general kind and character as that already given.

*Example—*

Brown testifies that he saw Black strike White with a bottle. Jones testifies that he saw the bottle in Black's hand, just before the assault. Brown testifies that he saw Black throw a bottle away, immediately after the assault.

*Documentary Evidence—*

This consists of books or other written matter produced for the inspection of the Court.

*Oral (or Parol) Evidence—*

This is word of mouth evidence.

*Exhibits—*

They are articles or things submitted as evidence which directly relate to the facts at issue.

### Negative and Positive Evidence—

A witness who states that he saw the thing happen is *positive*, and *negative* when he says it did not happen.

### SUFFICIENCY OF EVIDENCE

This means that there is enough proof of guilt. If the judge does not think that there is enough evidence he may direct the jury to bring in a verdict of acquittal.

### MARKING EVIDENCE

Any article or thing that comes into a policeman's hands, and which he afterwards may be called upon to identify in a judicial proceeding, should be carefully marked by him, as many times the liberty or even the life of the defendant may rest upon the proper marking of the evidence presented in the case.

On receiving from any person an article or thing that may be used as evidence, he should first request such person to mark it, then make notation of both marks in his memorandum book.

Placing a tag on an article or thing is not sufficient as a means of identification. No witness is able to prove to the satisfaction of the court the fact that a tag is annexed showed the article to be the article taken from the defendant, or taken from the defendant's premises. Even though an article or thing is tagged, a private mark of identity should be put on it.



### Points in Marking Evidence—

Evidence, whenever possible, should be marked for identification before it is placed in an envelope. After it is placed in an envelope, such envelope should be sealed in the presence of witnesses. The time, date, names of witnesses, and name of person sealing same, should be placed on it. When the evidence contained in the envelope is presented in court, the seal should be broken in the presence of the court. After the hearing, the evidence should again be placed in the envelope; the envelope resealed and the time and date of sealing placed thereon.

A revolver or pistol should be marked with a scratch mark. The serial number, calibre, and make should be noted, as should also any evidence of recent discharge. Empty cartridge shells should be marked with a scratch mark, and any letters or numbers appearing on them should be noted.

Cartridge shells containing bullets should be marked in like manner, and the bullet marked with a scratch where it enters the jacket.

Discharged bullets should be marked at their noses; and all such marks should be deep enough to prevent tampering. Any marks on them at the time of finding should be noted. Care should be taken to preserve marks made on the surface of the bullet by its discharge through the bore of the barrel.

Liquid poisons, drugs, food, and the like, which are impracticable to mark, should be placed in a bottle, vessel, or envelope, as the case may be.

Any such container should be sealed and marked in the presence of witnesses.

Clothing, documents or the like, should be marked with ink, or indelible pencil; chalk marks are not sufficient. Paper money should be marked with ink or indelible pencil and the name of the bank, series, gold or silver certificate, serial number, and denomination should be noted. A counterfeit bill should be marked by the officer in the case by writing his name and shield number thereon.

Metal money should be marked with a scratch mark and the number of pieces of each denomination noted.

Dead bodies should be marked with a tag, containing a description of the body, and such description should be noted.

### **HOW A POLICEMAN SHOULD GIVE HIS TESTIMONY IN COURT**

When giving his testimony an officer should speak loudly and distinctly enough to be heard and understood by every person in court who is concerned in the case.

He should tell nothing but the exact truth, tell only what he himself heard or saw, and tell it in a brief, concise and business-like manner.

He should answer questions put to him in as few words as he knows how. "Yes" or "No" is sufficient if either meets the question. If the question is one that he cannot answer by "Yes"

or "No," as brief an answer as he can give is the best answer.

If he is testifying that the defendant used profane or indecent language, or committed indecent acts, he should state the exact language used or act committed.

He should not try to make his version of an occurrence tally with that of the other witnesses for the prosecution, as he or they may have observed incorrectly and both he or they may be testifying truthfully to the occurrence as they saw it.

He should not lose his temper, or become irritable when testifying, as the defendant's counsel may ask him questions for the purpose of causing him to do so and thereby discrediting him with the judge or jury. For instance, the defendant's counsel may ask him, "Officer, are you the policeman that Sergeant Jones found intoxicated in a saloon?" The best answer to such a question would be, "No," or "Yes," as the case may be.

He should not pre-judge the defendant, or show by his actions that he is trying to do so. If he is asked "Do you want the prisoner convicted?" he should answer truthfully.

He should not argue with the defendant's counsel, or with the court, or interrupt the court, counsel or other witnesses while they are speaking.

He should not hesitate to say "I don't remember" when he is questioned about something that he has forgotten or hesitate to ask the court for

permission to consult an entry in his memorandum book for the purpose of refreshing his memory. If, however, he is granted permission to consult his memorandum book, he should not read therefrom, except by permission of the court.

He should not use slang words, or words he does not know the meaning of. It is best for him to use simple words and sentences.

He should not say "I guess so" or "I think so" when testifying. If he does not positively know, he should say so.

He should not testify as to the defendant's previous character, except by direction of the court or in answer to a question put by the court or prosecuting counsel, as a defendant's past record is only admitted in evidence when he endeavors to prove his good character, or when he is being tried as a second offender.

He should not use unnecessary words when testifying; for instance, he should not begin with the speech "When I was patrolling my post." He should let the magistrate assume that he was, if it were so. It is better to begin "At 6 o'clock this morning, I saw the defendant strike a man on the head with a bottle."

When testifying as to time, distance or the like, unless he knows exactly what such time or distance was, he should qualify his statement by saying "about 6 o'clock, or about 10 feet, etc."

He should not say: "He admitted to me that he was guilty." That statement is not in accordance with the rules of evidence. The officer should

state the words used by the defendant when he made the confession.

### A Trap to Avoid—

The officer, when testifying, should remember that a confession obtained by so-called “third degree” methods is not admissible in court, and that duress (“third degree”) means all forms of compulsion, including literal or implied verbal threats.

For example, a policeman who has obtained a confession legally by asking the defendant to tell the truth, may be snared by counsel for the defense into making an admission that causes the confession to be ruled out under the decision in the *Briscoe* case.

#### *The Briscoe Case—*

Briscoe was charged with murder and denied the charge. A magistrate, after repeatedly asking him to confess, finally told him that “it would be better for him to tell the truth and have no more trouble about it.” Thereupon the defendant did confess, and he was convicted, principally on his confession. He claimed, however, that what the magistrate said constituted a threat, and appealed his case.

The Court of Appeals, as reported in *Maryland Reports*, 1887, reversed the conviction chiefly on the following grounds:

When the magistrate told the defendant that it would be “better for him to tell the truth and

have no more trouble about it," the defendant had reason to suppose that the magistrate would make more trouble for him if he did not confess.

The Briscoe decision has been modified in later decisions; but it has not been completely overruled.

## CHAPTER XV

### DETECTION AND APPREHENSION OF CRIMINALS

**H**IGH GRADE professional criminals endeavor to keep themselves informed as to the most up-to-date methods in use by the police in detecting crime. Consequently, such criminals endeavor to leave no clue to their identity at the scene of their operations. Indeed, the very cautious ones wear gloves while operating to avoid leaving fingerprints, and may cover their shoes to avoid leaving footprints. In disposing of their loot, they usually avoid the second-hand dealer, pawnbroker, or other such dealer, and deal only with unsuspected fences.

The automobile also adds to a policeman's difficulties, because by its use the criminal can make long journeys to the scene of his operations and get away quickly with his loot. Indeed, some present-day desperate criminals come in their automobile to the place where the person or property is to be attacked, do the job in the most hazardous way, and escape in their high-power car, before civilian witnesses have time to collect their wits, or the police are able to get to the scene.

Nevertheless, luck frequently is against even the clever criminal, and one mischance or another entangles him in the meshes of the law. Furthermore, most thieves, even clever ones, have not sufficient intelligence to perceive some of the clues which they leave.

Indeed, the manner in which the professional criminal commits the crime, is, in itself, an important clue, because nearly every professional criminal sticks to one kind of crime, and operates in a manner peculiar to himself, or to the mob, if any, with whom he operates. For example: the safe burglar does not as a rule steal merchandise, nor the loft burglar operate on safes; and one mob of safe men will open the safe with tools while another mob uses explosives to do so. Therefore, a criminal's *modus operandi* may cause his detection.

But even when no material clue or objects of evidence are found, there is always a chance of finding someone who can tell something that will lead to the identity of the perpetrator; and there is also the chance that the perpetrator will betray his identity by some mishap. Consequently, the most essential qualification for success in police work is persistency—persistency—and still more persistency.

When a crime is committed, the policeman first at the scene has three important things to do:

1. Get the perpetrator.
2. Get the evidence.
3. Get the witnesses, if any.



If he accomplishes this skillfully, the case is ready for trial in a court of justice. If he does not, further police work is necessary.

The policeman first at the scene of a crime, as a rule, finds the following conditions:

- (a) The perpetrator is known and has not escaped, or
- (b) He is known and has escaped, or
- (c) He has escaped without being known.

The first is the easiest, yet important things have to be done—the perpetrator must be arrested; evidence must be gotten, and the statements of witnesses, if any, obtained.

If a uniformed patrolman be the one first at the scene, and the case is not a serious one, he can, as a rule, accomplish all this himself. But if the case be a difficult and serious one, he should hold the prisoner, safeguard the evidence, detain any witnesses there be, and notify his desk officer by telephone, or otherwise, to send a detective to assist him in the investigation.

In respect to the other two conditions, the police action on the matter would depend on whether the crime was a petty one (misdemeanor), or a serious one (felony).

If the crime is a misdemeanor and the perpetrator is known, but has escaped, the policeman concerned should advise the complainant to apply in court for a warrant, and take any other police

action necessary; but if the perpetrator in such case be unknown, a detective should be assigned to it.

## WHEN KNOWN FELON ESCAPES

### Initial Action—

When the perpetrator of a felony is known, but has escaped, and a uniformed policeman is first at the scene, he should forthwith notify the desk officer to send a detective to assist him. The police action in the case should cover the following points:

Quickly gather all information possible as to perpetrator's name, alias, if any, his description, how he left the scene, the direction he took, his residence, former residence, residence of relatives, where employed, associates, where likely to be found; and telephone all such information to the desk officer and to police headquarters for the purpose of a general and local alarm, and also for notification of the nearest automobile patrol by radio.

If there be reason to suppose that he has escaped into some building, assistance should be sent by the desk officer, in charge of a superior. Such superior officer should establish a cordon around the building, cover all points where it would be possible for him to get away, and see that a thorough search is made for him.

Evidence found at the scene should be marked and safeguarded. Statements of witnesses should be obtained and recorded.

### Subsequent Action—

The subsequent action that should be taken would depend largely on what had been learned about the perpetrator and the importance of the case. Generally speaking, some of the following things would be done in all such cases, and all may be done when the case is a very important one.

1. Broadcast a general alarm by radio teletype and telephone; cover bridges, ferries and railway depots, and passenger steamship docks.

2. Send a circular containing a distinctive description of him—including his picture, if his photograph can be obtained—to local police stations, and to police departments throughout the United States; also post such circulars in other public places such as railway stations, ferry houses, hotels, etc.

3. Broadcast his description by radio, newspaper, publicity, and moving picture projector to the general public and offer a reward for his capture or information that will enable the police to effect it.

4. Send his description, and fingerprints, if they have been obtained, to police organizations of foreign countries, where he is likely to seek refuge. Also send his fingerprints to the federal and state criminal identification bureaus, and police organizations in the United States, so that he will be identified if picked up for any other crime.

5. Send circulars containing his description to captains of trans-Atlantic and coastwise pas-

senger ships, also to federal officers covering the customs on the Canadian and Mexican borders.

6. Cover the mail of persons with whom he would be likely to correspond; such as wife, sweetheart, near friend.

7. Secretly install a dictograph in the home of a person who is likely to know of his whereabouts, and converse with others therein about him. Also tap the telephone wire, if any, of the person most likely to communicate with him by telephone. Cover such telephone or dictograph from a place of concealment outside such premises and listen to the conversation.

8. Cover the bank, if any, where he has an account, and trail any person who presents a check signed by him.

9. Trail any person who would be very likely to visit him, such as wife, sweetheart, near relative, close friend.

10. Cover his home, known haunts, or other places where he would be likely to visit.

11. Cover places where he would be likely to dispose of stolen property, if any is stolen.

## FELON ESCAPES WITHOUT BEING KNOWN

If a description or fingerprints of such a felon can be obtained, this and any other information which might lead to his apprehension should be acted on along the lines above described. The statements of witnesses, if any, should be recorded, and the scene of the crime searched for clues.

The subsequent police action to effect his capture should be based on the facts found in the course of the investigation.

## DETECTIVE'S INVESTIGATION

It would be impossible to set down a list of rules governing the conduct of a detective who is investigating a criminal case. But the detective in charge should, if practical, handle all the *main issues*, and as a rule, keep his associates, if any, informed from the start to the finish of such investigation as to the progress which is being made.

In making the investigation, particularly when the perpetrator is unknown, no source of information should be overlooked; even gossipy persons, whose knowledge of the matter is simply hearsay, may give an important lead.

All information obtained should be sifted, worthless matter disregarded, and that of value used as a base upon which to build a theory or form a conclusion.

Evidence as to the identity of an unknown perpetrator of a crime, and proof of the guilt of a perpetrator, is usually obtained in one of the following ways:

1. The perpetrator incriminates himself.

- (a) He supplies evidence against himself by making a voluntary confession of guilt;

(b) He is found in possession of goods which were stolen, or the tools, instruments, or thing with which the crime was committed.

2. Witnesses are found who—

(a) Saw him committing the act;

(b) Subsequent or prior to the act, saw the tool, instrument or thing with which it was done, in his possession;

(c) Subsequent to the act, saw the property (if any) which had been stolen, in his possession;

(d) Prior to the act saw him making preparations to commit it, or heard him threatening to commit it, or know that he had a motive for committing it;

(e) Saw him going to or leaving the scene of the crime, about the time it was committed;

(f) Were his accomplices in the crime and squeal on him, or were confidants and betray him.

3. Clues are found.

## CLUES

It would be impossible to enumerate all the clues that might be found to establish the identity or prove the guilt of the perpetrator of a crime. The following clues frequently prove valuable for the purpose:

1. Fingerprints

2. Palm prints

3. Glove prints

4. Poroscopy evidence

5. Footprints

6. Stocking prints

- |                                    |   |
|------------------------------------|---|
| 7. Photographs                     | 16. Powder-stains                           |
| 8. Tire marks                      | 17. Wounds                                  |
| 9. Laundry marks                   | 18. Nitre-stains                            |
| 10. Cleaners' marks                | 19. Bloodstains                             |
| 11. Articles of wearing<br>apparel | 20. Hair                                    |
| 12. Articles made of<br>wood       | 21. Burglars' tools                         |
| 13. Habit-indicators               | 22. Written and<br>typewritten<br>documents |
| 14. Weapons, cartridges            | 23. Significant modus<br>operandi           |
| 15. Discharged bullets             |   |

### Fingerprints—

It has been scientifically proved that the details of the ridges which constitute the patterns of finger impressions—as also those of the ridges on the palms of the hand and the soles of the feet—remain unchanged from birth until decomposition sets in after death.

It has been proved beyond the shadow of a doubt that fingerprints never can be duplicated, and that there are no two fingerprints exactly alike. Even the impressions of the ten fingers of the same person are different.

It can therefore be said without fear of contrary proof that fingerprints are an infallible method of identification.

When fingerprints are produced in a court of justice for the purpose of establishing the identity of the defendant in a criminal action, the testimony must be given by one who qualifies as an expert. There is some controversy as to

whether he should be allowed to testify positively as to the identity or merely state his opinion.

Chance finger impressions are of three types—(a) latent, (b) visible, and (c) plastic.

### *Latent Fingerprints—*

Latent prints are prints which are normally not apparent.

If you will examine the ends of your fingers, you will observe that the flesh is raised in fine ridges, forming a network of curious patterns. There is a thin film of grease on the skin, due to oil, etc., oozing out of the pores from little wells situated under the ridges. Owing to this grease, the thing we grasp with reasonable pressure may take the patterns of our fingerprints. This usually does happen if the thing grasped has a highly polished surface, such as glass, polished metalware, highly glazed fabrics, or the like. It usually does not occur if the thing has a soft, spongy, or rough surface. Fingerprints formed in this manner are called latent fingerprints.

Prior to being photographed, latent fingerprints are, as a rule, *developed* by one of the following methods:

1. Powders are used in developing latent imprints in almost all cases. The reason the prints appear is that powder adheres to the oily deposit left by the ridges when the fingertips press the object. Following is the process:

If the imprint is on a dark surface, dust it over with powdered chalk, gray powder, or any other fine powder that is not the same color as the background; if on a



light surface, dust it over with lampblack, powdered graphite, black oxide of manganese, or the like. Then brush the powder off the article gently in one direction, using a camel's-hair brush, and the prints will appear.

If the print is on paper, the latter may be held by the edges and the hands moved up and down until the powder travels over the paper.

Sometimes fingerprints are found on greasy objects and so cannot, generally speaking, be developed by powder. Such prints are usually photographed in an oblique light without development. On the other hand, they may be transferred to moist photographic paper and then photographed.

2. Iodine fumes, either hot or cold, are occasionally used to develop latent fingerprints or invisible writing on paper. One method is as follows:

Sufficient iodine is put into a flat-bottomed glass vessel to cover the bottom. A few glass or porcelain bars are placed in the vessel, their top sides about one-half inch above the iodine. The paper is placed on the bars above the iodine, not touching it, and the vessel is covered. After the fumes have formed a thin coat over the surface, the paper is removed. The prints will appear on it.

The paper is left in the fumes only from two to five minutes. If left too long, it turns a dark brown, and the prints are not apparent.

Prints developed by this method usually fade in a short time. Hence they should be photographed forthwith.

When it is necessary to preserve the original prints for future reference, several methods may be used, of which one is to put the paper between two glass plates and then apply glue to the edges of the plates.

3. Chemicals are occasionally used to develop latent fingerprints on fabrics and some other articles, especially when other methods are not

practicable. Chemical development is comparatively new and still in the experimental stage. There is great variation in the technique employed, depending on the surface and background to be treated.

Sometimes a solution is made of one-to-five-percent nitrate crystals and water. The solution is applied with a camel's-hair brush to the surface on which the print is to be developed. Then the surface is exposed to strong light, and the print may show up in brown lines.

### *Visible Fingerprints—*

A visible finger impression is made when a fingertip smeared with blood, paint, grease, or similar substance is pressed on some object that takes the impression. It is usually blurred and of no value in establishing identity. As a rule, such prints are photographed directly, special light-filters, suitable to the color of the prints, being used in the camera.

### *Plastic Fingerprints—*

A plastic fingerprint is formed when a fingertip is pressed on plastic matter, such as tar, candle-grease, etc. Usually, they are photographed directly. Occasionally, a cast is made of them after they are photographed.

### *Lifting Fingerprints—*

Fingerprints are occasionally found in places where they cannot be photographed, even with the camera recently invented which takes photo-

graphs in locations which were formerly inaccessible.

Usually, such prints are developed with powder, then lifted with a foil and photographed. Dactyloscopic foil is manufactured for this purpose.

This foil is similar to gelatine. It is coated with a sticky substance, which is protected with a paper overlay. After the print has been developed with powder, the paper is removed from the foil and the sticky substance is pressed firmly on the print. The powdered print adheres to the foil. It is lifted, then photographed.

If the lifting is not done expertly, the print may be destroyed. Furthermore, prints lifted by foil may be questioned in a court of justice.

Seemingly, this method should not be used, especially in major cases, when it is possible to use the regular method of development.

#### *Culprits Rarely Leave Clear Prints—*

Clear fingerprints are not often found at the scene of a crime, because the perpetrator, in his hurry to get the job done and get away, grasps everything so quickly that he smudges the print. Smudging also occurs when the fingers are covered with dust or dirt.

Furthermore, many criminals, especially professional ones, use gloves when operating, or wipe prints from any article they have touched before leaving the scene.

#### *Procedure on Finding Fingerprints—*

If you find clear fingerprints at the scene of a crime and you are in doubt as to whether they

were made by an innocent person or the culprit, ascertain if any other person than the culprit has handled the article and, if so, take their fingerprints for comparison. Compare, or have an expert compare these prints with the suspected prints, and cancel any that are duplicates of those made by persons known to be innocent. Then compare the uncanceled prints with those of the suspect, if known; or if he is unknown, compare them with the prints on file in the criminal identification bureau of your department. If you find that a suspect's fingerprints are duplicates of those left by the perpetrator, or you find duplicates on file, you then know the identity of the guilty person. If you are unable to find duplicates you should see to it that the prints are filed for future reference. In some cases it is well to send them to other police organizations for comparison with their fingerprint files.

A good print of even one finger is sufficient to determine which of several suspects is guilty.

### *Taking Impressions for Identification—*

There are two kinds of impressions, rolled and plain. The entire print is shown in the rolled, and only the bulbs of the fingers in the plain print. One is a check on the other.

To take finger impressions, use a plate of glass or copper, thin printer's ink, a rubber roller, and white paper. Spread the ink on the plate in a thin film with the roller. To take the right hand, place yourself on the left side of the subject; ink

his thumb by lightly rolling it on the plate, place it on the paper and roll it lightly. Do likewise with the other fingers in the following order: index, middle, ring, little finger. Next place yourself on the right side of the subject and take his left hand in a similar manner. Next place all the fingers simultaneously first on the ink, then on the paper. The fingers should be clean when the prints are taken.

If you desire to make a hasty examination of a person's fingerprints and you have no ink at hand, have him rub his fingers through his hair, thus increasing the oil on their ends. Then take his prints and develop with powder. Or if you have neither ink nor powder, expose a saucer to the flame of a candle until a black deposit is formed thereon. Press the fingers on the black surface, then take the impressions on paper.

### *Fingerprinting Dead Bodies—*

Homicide victims and unidentified dead should be fingerprinted when possible. In such cases, one or more of the following conditions are present:

1. Rigor mortis—which usually sets in from two to six hours after death—has not yet developed, and the fingers are flexible.

In that case, each finger is inked individually, as a rule, with a small rubber roller. Then various devices can be used to take the prints. One recommended by Soderman and O'Connell is spoon-shaped and made of wood. The paper is placed on it and rolled on the fingertips.

2. The body is well preserved, but the fingers are not flexible.

One way of taking such prints is as follows:

A doctor or competent layman cuts the flexure tendons of the fingers and then the impressions are taken as above set forth.

(When a body is properly embalmed the skin may remain intact for years, depending on the condition of the body when death occurred, and whether the soil in which it was buried was dry, moist, or wet, as also on the kind of coffin used.)

3. The fingers are shriveled by contact with water or from other cause.

One way of restoring the natural contour of the finger-bulbs is to inject into the fingers a hot solution composed of one part gelatine and seven parts glycerine. The prints are then taken.

4. A portion of the fingertip is putrefied, but there is a sufficient portion left to establish identity.

The expert handling such a case, wearing rubber gloves, removes the sound part of the skin from each finger and places it in an individual test-tube containing a solution of formaldehyde. Later he usually places the skin of each finger, so removed, over the index finger of his own gloved hand, and takes the impressions as if he were taking those of his own finger.

Other methods are also used.

Sometimes the surface ridges of the skin are destroyed, but not the furrows of the pattern on the inner surface. The prints are not taken in such cases, but sometimes the skin is mounted inside out on cardboard, and photographed.

### *Classification of Fingerprints—*

There are four basic types of fingerprint pattern—arches, loops, whorls, and composites or accidentals.

A more complete classification gives us nine standard patterns—plain arches, tented arches, exceptional arches; plain loops, central pocket loops, lateral pocket loops; whorls; composites. (See illustration on Page 412.)

Further considering the main types—

In a plain arch, the ridges run from one side of the impression to the other, and none turn back, each ridge having a slight upper curve;

In a plain loop, one or more ridges enter on either side of the impression and, by recurving or turning, pass between the delta, terminating on the side of the impression where they entered;

A whorl is an impression which forms a series of circles or spirals around the core or axis of the ridges;

A composite or accidental is an impression which contains two or more patterns.

Nature has put these ridges on our hands and feet to enable the skin to resist the wear and tear of life. If the skin of our hands and feet were of the same texture as that of our stomachs, we could not dig or delve, nor walk over rough surfaces without injury. The ribbed (ridged) skin may be compared to a corrugated iron roof, which is able to stand more strain than a flat roof of the same material.

### *General Points on Fingerprints—*

1. The Federal Bureau of Investigation and many large police organizations maintain a **single fingerprint** system supplementary to the main system. The Battley method is generally used to classify the prints in this system. As a rule, the SF files are limited to certain classes of

## NINE TYPICAL FINGERPRINT PATTERNS



Accidental



Lateral Pocket Loop



Tented Arch



Central Pocket Loop



Twinned Loop



Exceptional Arch



Whorl



Plain Loop



Plain Arch

criminals, such as "big shot" gangsters, kidnapers, bank robbers, safe burglars, etc. The impression of each finger is filed separately, making it unnecessary to have all ten fingerprints in order to effect classification.

2. A **civil fingerprint** system has been established in the FBI, and it is occasionally a valuable source of information for police organizations, especially in regard to missing persons.

3. It is possible to send fingerprint classifications by telephone, teletype, etc.

4. The fingerprint files of the United States Army and



Navy are sometimes a valuable source of information when a former or active soldier or sailor—who has no criminal record—is wanted. This also applies to other agencies in which fingerprints are taken of applicants for employment, licenses, permits, etc. Missing persons are sometimes traced through such agencies.

5. **Damaged patterns** do not usually form an insurmountable obstacle to fingerprint identification. The ridges of the fingers of workers who handle plaster, cement, etc., are usually somewhat damaged, as are those of workers whose hands are continually immersed in water. This is only temporary damage, however, as the ridges become normal when the worker discontinues that kind of employment. A burn which is serious enough to leave a scar on a fingertip destroys some ridges, but there is as a rule enough of the pattern left to establish identification. When the fingertip has a scar from a knife-wound, it will show up on the print in the form of a white line. A wart or other malformation on the fingertip which is indicated on the impression may lead to the identification of the person who made the prints, even if his prints are not already on file. Alterations of the finger-ridges by plastic surgery leave tell-tale scars, and, in a short time, some of the destroyed ridges will, as a rule, reappear.

6. When a chance fingerprint—say a thumbprint of the right hand—is compared with the corresponding print of a suspect, and both prints are identical, it is positive proof that both prints were made by him; but when any of the normal characteristics are different, it is positive proof that the print is not his. It sometimes happens, though, that the chance impression is blurred and some of its characteristics are destroyed. In that case, if twelve or more of the characteristics on both prints are identical, it is sufficient proof. Identity of less than twelve but more than eight characteristics gives reasonable grounds to believe that the prints are the suspect's, provided the impressions of the chance print are clear and some of the principal characteristics, such as the delta and the core, match the known print. When there are less than

eight identical characteristics, the proof of identity is not sufficient, unless the pattern is very rare, or there are extraordinary identical characteristics on both prints. It happens occasionally that **partly blurred patterns of the same finger is found on several objects**. If the clear portions of all these prints, added together, make a complete pattern, identity may be established by an expert. It should be remembered that **two impressions of the same finger may not be exactly the same in size, direction of lines, and slant of parts** if the pressure applied by the maker and its direction has been different.

7. Any article containing fingerprints should be handled with great care, as the least rubbing of a clear print may turn it into a smudge. Particular care should be taken when packing articles containing fingerprints for the purpose of sending them to a criminal identification bureau.

8. The following terms are frequently used in a court of justice when testimony relative to fingerprints is being given:

**blur**—an indistinct, smudgy imprint

**bulb**—the pad of a fingertip

**characteristic**—any striking feature in a pattern which gives distinctiveness

**composite**—a fingerprint composed of two or more patterns

**core**—the heart or central portion of a fingerprint

**delta**—a somewhat triangular figure formed by the skin lineations

**digit**—a finger

**palmar**—pertaining to front surface of the hand

**radial**—pertaining to thumb side of the hand

**ridge**—a line of skin tissue, elevated, with sweat pores

**smudge**—a blurred or dull imprint

**ulnar** (opposed to **radial**)—pertaining to little-finger side of the hand

## Other Prints—

### *Palm Prints—*

Palm prints—especially visible or plastic ones—are sometimes found at the scene of a crime. When the palm print thus found matches that of a suspect, it is positive proof that it was made by him. Such prints are not classified in most American police organizations.

### *Glove Prints—*

A glove print showing the pattern of the fabric—especially when the glove is woven or knitted and smeared with paint, blood, or grease—may be found at the scene of a crime. It is valuable connective evidence when the glove which made it is found in the possession of a suspect, especially if there is any dirt, dust, or other matter on the glove which is identical with that found on the print, as, for instance, paint. Such a glove print is photographed without prior development, if feasible; otherwise it is developed by spreading white lead, white powder, or similar substance on it.

### *Poroscopy Evidence—*

In the ridges of the fingertips there are sweat-pores. Their size, shape, number, and position are different in each person's fingers, and they are not identical in any two individuals. Hence identification can be made by the prints of these pores.

*Footprints—*

The imprint of a bare foot, if clear, may be developed in the same way as a fingerprint, and has almost as much value as a means of identification.

Many other conclusions may be drawn from a footprint, such as the weight of the person by the depth of the impressions, his size and whether he was running or walking by the size of the print and the length of the stride, the sex by the shape of the print, etc. A peculiar footprint may definitely establish the identity of the person who made it.

A cast should be made, if possible, of footprints which have value as evidence, especially in a homicide or other serious case. They should be sketched and photographed before the cast is made, if practicable.

A clearly marked scale should be photographed beside the footprint. The exact measurements should be put on the sketch. When sketching a series of footprints which are on land, the position and direction of each print should be shown, also its distance from some fixed point. (See Problems 4 and 5, Pages 561 and 563.)

*Stocking Prints—*

Stocking prints are dealt with by a method similar to that above described for glove prints. The characteristics of the pattern made by the fabric are considered in determining identity in glove and stocking prints.

### Photograph of the Perpetrator—

If the perpetrator has escaped and his photograph can be obtained, a cut should be made from it and inserted in any printed description of him that is broadcast. His photograph is often found in his home or that of a sweetheart, close friend, or near relative. And if he was engaged in any business or calling where he was required to use his photograph as a means of identification, a photograph of him may be obtained from that source.

The photographer who took the picture may be able to give valuable information. If the photograph is an old one, or the quarry has managed to change his appearance, it is not of much value in tracing him, unless the policeman concerned knows the *portrait parle* system of identification.

### Tire Marks—

If the perpetrator of a crime comes to, or leaves the scene, in an automobile, marks of its tires may be found thereat. These marks should be noted by the investigating officer, and a cast of them taken when practical. If the marks of the four tires are alike and of a certain pattern, it may indicate the make of the car; its size may be estimated by the distance of the tire marks from each other. If the marks made by the tires show that they are not of the same pattern this may prove a valuable lead. *For example:* If the front tires were similar, and the two rear ones dissimilar to those in front, and to each other, such

knowledge would be a great aid to the police in finding the car and the criminal. (See Problem 3, Page 558; also Page 182.)

### Laundry Marks—

Laundry marks, when found on a garment left by the perpetrator at the scene of a crime, may be a means of establishing his identity, especially when the police department concerned maintains a laundry file as a means of identification. This file contains a carefully compiled and classified list of all the laundries in the territory covered by the police organization concerned. It shows the name and address of each such laundry and the distinctive mark that its proprietor places on garments received from his customers to identify his laundry. This file is kept up-to-date by checking periodically with the laundries.

As a rule, a laundry proprietor puts on every garment he receives from a customer the distinctive mark used by his laundry. Let us assume that, for a certain laundry, this mark is the letters "AX." He also puts on the garment a mark by which he identifies a particular customer. Let us say that the laundry using the "AX" to identify itself has a customer whose wash it identifies with the number "23." A laundry proprietor makes a record of such a mark, and he usually records the customer's name and address, especially if the laundry is to be delivered at the customer's residence.

Now assume that Detective Smith, in his investigation of a burglary, finds a handkerchief,

left by an unknown perpetrator, marked "AX23."

The detective consults the laundry file of his department and finds that the mark "AX" is the one used by Brown's Laundry, 50 Blank Street. He interviews Brown and shows him the handkerchief. Brown consults his record-book and finds that the mark "23" identifies one Jones, who resides at 80 Blank Street.

Sometimes, however, a laundry, on receiving from a new customer clothes bearing the laundry mark of some other laundry, does not change this old mark, but records it to identify the new customer, adding its own mark as a supplement.

Even if a laundry proprietor is unable to supply the name and address of a wanted customer, he will usually be able to supply a lead to his identity.

When an important laundry mark is not decipherable by sight because it is faded, indistinct, written in \*invisible ink, etc., it should be sent to a laboratory for examination with ultraviolet light.

### Cleaners' Marks—

Generally speaking, the marking of a customer's garment by the establishment to which it is delivered to be dry-cleaned is somewhat similar to that used by a laundry, but it is not as uniform. Those engaged in the business of dry

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\* A new system of marking laundry is now used in some establishments. It is claimed that laundry marks made under this system are invisible in sunlight, daylight, or artificial light, and can be seen only under certain special lights in the assorting room.

cleaning clothes may be broadly divided into the following three classes:

Class 1—Proprietors of small tailor shops who, on receiving clothes from a customer to be cleaned, send them to a dry cleaner;

Class 2—Chain store agencies of a dry cleaner, which usually mark clothes received from their customers in a similar manner to that described for laundries, and then forward them to the dry cleaners;

Class 3—Dry cleaning establishments which receive clothes directly from private customers and clean them on the premises, also using a marking system like that described for laundries.

#### *Garments Handled by Tailors—*

The dry cleaner usually divides the section in which he has a number of tailor-shop agencies (Class 1, above) into various routes, to each of which he gives a number, likewise giving an individual number to each tailor-shop agency. The following imaginary account will serve to illustrate and further explain the procedure:

Fruvyn's tailor shop is on what the Panate Dry Cleaners designate as Route 20, and the Panate concern has given Fruvyn the identification number 19.

Lurth gives Fruvyn a coat to be cleaned. Fruvyn records Lurth's name and address in a receipt-book, on the stub of a three-section ticket. Each section contains the same serial number. Fruvyn removes two sections from



the book, gives one to Lurth, and attaches the other to the coat. Then, as a rule, he puts the serial number of the ticket on the coat with ink or indelible pencil.

(It is to be noted that some small tailor-shop proprietors do not record a customer's name and address, but do put his serial number on a garment he leaves to be cleaned. Others, when they know a customer and have previously cleaned the garment left to be cleaned, do not record the customer's name and address nor mark the garment, especially if there is an old cleaners' mark on it by which they can identify it.)

The driver of the dry cleaner's wagon who receives Lurth's coat from Fruvyn crosses out any extraneous dry cleaners' marks he finds on it. Then he marks the route number—20—thereon and adds Fruvyn's identification number—19. Thus the coat would be marked by the driver "20—19." It would also bear Lurth's serial number—50. This serial number is usually near the route number. Sometimes the driver puts the numbers on a tag which he fastens to the garment.

A coat is usually marked on the lining of one of its sleeves, a vest on its neckband, and a pair of trousers on the pocket-lining.

#### *Garment Found in Connection with a Crime—*

Assuming that a detective found at a crime scene a garment on which there were cleaners' marks and he desired to trace its owner through

them, he should consult the cleaners' file of his department and endeavor to locate the dry cleaner through that means. If unable to do so, he should canvass all the dry cleaners in his city and endeavor to locate the one who marked the garment.

The dry cleaner concerned can sometimes be found by exhibiting the cleaners' marks at the headquarters of a dry cleaners' association. The headquarters of the International Dry Cleaners Association, located at Silver Spring, Md., may be able to supply valuable information in such cases.

If the dry cleaner had received the garment from a small tailor or other agent and has no record as to its owner, he would be able to supply the agent's name and address, and the agent, if shown the garment, would probably be able to supply the name and address of its owner, or a lead to his identity.

A criminal sometimes sends a blood-stained garment which has evidential value to a cleaning establishment or laundry, and the garment is sometimes retrieved by the police before it is cleaned. A detective investigating a homicide, or any other serious crime of violence in which the criminal's clothes are likely to be blood-stained, should accordingly search cleaning establishments when the occasion requires it.

### **Wearing Apparel—**

The quality and condition of a garment left at the scene of a crime by the perpetrator may indicate his station in life. A coat may have a label bearing the tailor's or the criminal's name. The

pockets may contain something that would identify the owner. The size of the garment may enable the police investigator to approximate the size and build of its owner. If the garment is part of the suit, the other part may be found in the criminal's possession. A button from a suit of clothes may prove important, because a garment with a missing button of a similar pattern may be found in the possession of a suspect.

The hat is particularly important, as not alone will it indicate the size of the criminal's head, but it also may bear his initials, and the name of the hatter from whom he purchased it. The hatter may be able to supply the criminal's name and address. Hairs found in the hat would indicate the color of his hair, and his approximate age.

Even the dust which may have gotten in the pockets of the criminal's garment may provide a clue to his occupation.

Minute particles of lime are often found in the pockets of those engaged in the building industry; iron filings in the pockets of those engaged in the metal trade; fabric particles in the pockets of needle trade workers; clay in those of the farm laborer, and so on. This is due to the fact that when one puts one's hand in one's pocket, particles of any matter which may be sticking to it, or under the fingernails, may drop off.

### **Articles Made of Wood—**

Articles or things made of wood are sometimes used in the commission of crime. For instance, excelsior may be used in arson, a ladder to bur-

glarize the second story of a house, a box, barrel or trunk to dispose of the body of a murdered person, etc. Therefore, especially in serious crimes, this kind of evidence should be carefully safeguarded for examination by technicians, as the identity of the criminal may be established by tracing the article back to its manufacturer, or to persons who may have handled it in mercantile traffic. Furthermore, if the article has been made by the criminal himself, identical wood or other parts may be found in his home or in other premises to which he had access.

In the examination of any such article, the investigator of the crime should particularly note the following:

Shape; dimensions; kind of lumber; joints, nails, and glue; trade marks, numbers, distinguishing signs, names and addresses; kind of lock or other fastening, such as rope, strap, or band; and extraneous matter upon or in the article, such as blood, paint, lime, clay, sawdust, coal dust, etc. A careful search should be made for fingerprints.

#### *Paper Manufactured from Wood—*

While some paper is manufactured from straw, fibre, cotton, or linen, most of the paper in common use is made from wood pulp.

The two principal groups of wood used for this purpose are those of the gymnosperm (naked-seeded) and angiosperm (having enclosed seeds) families of trees. The former group includes

spruce, fir, pine, larch, and hemlock. Among the latter are poplar and birch.

Analysis of a sample of paper will show what it was manufactured from.

In a criminal investigation, valuable connective evidence is often obtained by analyzing a sample of paper found in connection with a crime. Ultra-violet light or a microscope is sometimes used for the purpose. If there are watermarks on the sample, they may supply a valuable clue. Thousands of distinctive watermarks are on file in the Federal Bureau of Investigation.

### **Habit Indicators—**

The butt of a cigar or a cigarette indicates that the criminal had that habit, and the quality of either indicates his taste and probably his station in life. If the cigar butt be one of the brand used mostly by foreigners, it may indicate his nationality. An Italian stogie is often the brand used by the poorer class of Italians. A cigar butt may also bear the imprint of the smoker's teeth. If he is an habitual chewer of tobacco, the butt may show such evidence.

A whiskey flask also signifies a habit, and so does a deck paper, in which a cocaine dose is usually packed.

### **Weapons and Cartridges—**

A weapon left at the scene of a crime may contain the perpetrator's fingerprints, or other marks which would lead to his identification. If it be a gun, its owner may have obtained a permit from

lawful authority to carry it; and such authority would have the number of the gun and the name of its owner on record. In like manner the number of the gun or the manufacturer's marks on it may enable the police to ascertain the owner's identity from the manufacturer or dealer who sold him the gun.

NOTE—In New York City, when a firearm that has been unlawfully possessed or used comes into the hands of the police, it is forwarded to the ballistic bureau for examination and test. When a gun is found and used at the scene of a homicide or other serious crime, a ballistic expert goes to the scene and examines it there in the presence of the detective handling the case. (See "Homicide," page 212 and "Laboratory," page 525.)

### **Discharged Bullets—**

When the police obtain possession of a bullet which has been fired in the commission of crime, and it is necessary to ascertain whether or not it was discharged from a suspected gun, it and the gun are examined by an expert in ballistics. He usually makes such examination in the following manner: Having filled a basket or other receptacle with cotton-waste or absorbent cotton to a depth of about thirty inches, and having loaded the gun with a cartridge containing a bullet of the same manufacture, calibre, type, etc., he places the muzzle of the gun within an inch or so of the cotton and discharges the piece. He then recovers the discharged bullet and compares characteristic barrel markings on it and the suspected

bullet with an instrument composed of two compound microscopes connected by a comparison eyepiece. If he finds that the markings made on the surface of each bullet by its discharge through the barrel are identical, he knows that both were discharged from that gun. But if the surface marks on each bullet do not correspond, he forms a contrary opinion.

This examination is based on the fact that the bore of every gun barrel differs from that of every other gun, even though the difference may be only a minute one. This variation is due to the following facts:

1. The machinery by which the barrel is bored, and the lands and grooves formed thereby, leave distinctive unintentional irregularities.

2. There are at least minute variations in the bore and groove diameters and land and groove widths of guns which are made by different manufacturers, even when such guns are of the same calibre.

3. The use or misuse of a gun sometimes leaves distinctive marks in its barrel.

Consequently, as the bullet is propelled through the barrel by the powder gases, its surface is engraved by those irregularities which exist as microscopic projections, and which form a distinctive pattern, peculiar to that individual barrel and no other.

It is often possible to determine from the surface markings on a bullet the make of pistol or revolver from which it came, provided the bullet

was not deformed and its surface markings obliterated by contact with the object it struck.

The calibre of even a deformed bullet may be determined if there are groove marks on its surface, or letters on its base, or if all of its pieces are found and weighed. Sometimes, however, the impact splits the bullet into fragments—and then it is almost impossible to determine its calibre.

Many modern police laboratories maintain a classified file of the marks made on bullets by all ordinary makes of revolvers or pistols. Hence, when the surface marks made on a bullet by its discharge are ascertained, the gun from which it was fired can be determined, as a rule, by consulting such a classified file.

### **Discharged Cartridge Shells—**

The manufacturer's marks on the base of a discharged cartridge shell, found at the scene of a shooting case, may lead to the identity of the perpetrator. The marks made on its base by the breach-block and firing-pin may enable an expert to determine whether or not it was discharged in a suspected gun. The expert makes such examination by discharging another cartridge of the same size and make from the suspected gun, and then comparing that cartridge shell with the suspected one, using a microscope for such purpose. He bases his examination on the following points:

(a) The surface of a breach block is finished by filing it. These file marks leave a distinctive pattern. When a cartridge is discharged,



its shell is forced back against the breach block by the powder gases, and the distinctive marks on the face of the block are usually impressed on the primer and head of the shell.

(b) When the point of the firing pin strikes the firing cap of the cartridge, it leaves thereon a distinctive impression.

(c) The side of the discharged shell is marked by the extractor as it is being extracted from the chamber of an automatic pistol; and the head of the shell, as a rule, is marked by the ejector.

The make of a pistol or revolver can also be determined, in some cases, by the marks made on the empty cartridge shell by the firing-pin.

NOTE—When an automatic pistol is discharged the empty shell will usually be found to the right of where the shooter had stood and about six feet to the rear of that point.

### **Powder-Stains and Gunshot Wounds—**

Powder-stains (tattooing) found on the clothing or body of the victim of a shooting and powder residue found in the lethal gun are important in the investigation of a shooting case, especially if the case is—

(a) One of doubtful suicide;

(b) One in which perpetrator states he shot the victim to free himself from his grasp;

(c) One in which the time that has elapsed since the shooting is an important element;

(d) One in which the kind of powder used is significant.

The following important points should be kept in mind when examining powder-stains:

1. Any powder grains deposited in tattooing can usually be found with a magnifying-glass and picked out with a forceps. Then expert examination will show whether the grains are smokeless or black powder. Smokeless or semi-smokeless powder is now almost exclusively used in pistol or revolver cartridges of American make. Black powder, however, is still put into some cartridges for revolvers and pistols, especially those of foreign make. Smokeless and black powder do not produce exactly the same kind of tattooing. To illustrate:

(a) Regardless of the kind of powder used, if the muzzle of the gun were pressed against the victim's flesh when the shot was fired, powder grains and residue will be found within the wound, but not outside of it, and a slight burn or scorch will be found on the edge of the wound.

(b) If the muzzle were one-fourth inch away, powder grains and residue will be found on the skin or clothing—as the case may be—black powder producing the heaviest deposits.

(c) From one-fourth inch up to the limit at which tattooing will be produced, the tattooed area increases with the distance; but this limit is reached at about fifteen inches with smokeless powder, whereas black powder has a tattooing-limit of about four feet. However, at four feet—and probably even at a lesser distance, even black powder does not produce tattooing unless it is caked, or its grains stick together in the cartridge and the powder leaves the barrel in the form of a projectile.

2. It should be remembered that, if a shooter covers the muzzle of the gun with heavy cloth and discharges the bullet through it, powder-tattooing may not be found on the body or clothing, even when the shot is fired at close range; also that grains of powder may adhere to the bullet when it leaves the barrel and be carried until it is close to the body, then fly off and produce deceptive powder-stains.

3. The condition of the powder influences the tattooing it produces. Therefore, if you desire to approximate the distance of the muzzle from the target at the time the shot was fired, you should use cartridges containing the same kind of powder and experiment by firing into pork rind, canton flannel, or the like, until tattooing similar to that on the body is produced.

4. There are three zones in powder-tattooing:

(a) The flame zone;

(b) The zone where the tattooing is most apparent;

(c) A zone where the powder grains and the residue are thinly scattered.

Washing may change the characteristics of the second zone or obliterate the third; hence the investigator should ascertain whether the wound has been washed.

5. Examination of the powder-fouling in the barrel is important to ascertain the specific gravity of the powder which has been used or the time that has elapsed since the shot was fired.

Powder-fouling is of two kinds—(a) gaseous

and foreign matter derived from the powder; and (b) a metallic deposit, scraped off the surface of the bullet as it rushes through the barrel. Metallic fouling is not often deemed significant in the investigation of a crime; but the kind of powder that has been employed is frequently an important point.

When the fouling is to be examined by an expert, nothing whatever should be inserted into the barrel before the gun is delivered into his hands. It should be properly marked and packed before it is sent, and it should be taken to the expert by a policeman, preferably the one handling the case. Any powder grains and cartridges connected with the shooting which have come into the hands of the police should be delivered to the expert together with the gun.

An expert can generally determine by the fouling whether black or smokeless powder was used; and if black powder was used, he can usually tell the length of time which has elapsed since the shot was fired.

### *Shotgun Wounds and Tattooing—*

Shotguns give a wide variety of wounds. Many factors must be taken into consideration in estimating the distance of the muzzle from the victim at the time the shot was fired, for example, kind and condition of powder used, length and boring of barrel, and type of shot charge. Before forming a conclusion, it is usually best to experiment by firing shots under conditions simi-

lar to those which existed when the crime was committed.

The following table should prove helpful in roughly estimating distance in shotgun wounds:

(a) Muzzle less than 36 inches away. The charge enters in one mass, making a large, ragged wound. Grains of powder and wadding enter the wound, also pieces of the victim's clothing if the shot goes through it. The hole may be scorched and tattooed.

(b) 36 to 108 inches. Most of the charge enters the wound, which is large and ragged. At a distance of about 50 inches, however, some pellets of shot begin to break away from the main charge and enter above the wound. At about 108 inches, many pellets enter around the wound.

(c) 108 to 350 inches. The number of pellets which break away from the main charge increases with the distance. Therefore, the size of the main wound decreases and that of the area wounded by the pellets increases with the distance. At about 350 inches, all the pellets are scattered, and make a group of wounds in an area of about 20-inches in diameter.

The size of the pellets must be taken into account in estimating the above-mentioned distances, as the distance varies in accordance with the size.

#### *Nitre-Stains—*

When a revolver is fired, tiny particles of nitre from the powder are usually propelled backward

by the explosion. Sometimes some of them become embedded in the hand that held the gun—especially around the crotch and the upper side of the trigger finger—where they may be found for about 72 hours thereafter.

Generally speaking, an expert should examine the hand for such evidence. One method is as follows:

Coat the hand with hot melted parafin, particularly the palm near the crotch and around the index finger and thumb. Spread a thin layer of cotton over the soft wax. Then drop another layer of wax on the cotton. After it has hardened remove the mold in one piece, if possible. Any nitre particles on the hand will adhere to the wax when it is removed. Place the mold in a white porcelain dish or other suitable container—not metal—with the surface that touched the hand facing up. Then carefully apply a part of a solution composed of 1 gram of diphenlamine and 100 c.c. of sulphuric acid (c.p.) to the part of the wax that touched the hand. If there are any nitre particles there, they will turn blue. Of course, the solution, the container, and the parafin used in the test must be free from nitre before the test is made.

This test is said to be important when there is doubt as to whether a death is suicidal or homicidal, as also when there are several suspects in a shooting case.

The fact that no nitre particles are found on the hand of a suspect is not positive proof that he did not fire the shot.

Even when nitre particles are found, they may not have come from the cartridge used in the shooting. Several substances other than powder may leave nitre particles on a hand that has been in contact with them, such as silver nitrate, urine, etc.

Nevertheless, if nitre particles were found on a suspect's hand, it would point to his guilt, especially if the specks had what are known as "comet tails," indicating that they had been flashed out of a revolver through the thin space between the cylinder and the barrel. Nitre particles of other origin would not have them.

### **Bloodstains—**

Blood found at the scene of a crime of violence or on the person of a suspect or victim is often an important factor in the solution of the crime.

The question whether blood on a suspect's clothing or effects is his own, his victim's, or animal blood, often arises, especially in homicide cases. Hence the following points should be kept in mind by policemen handling such cases:

1. Human blood falls into four principal groups. It can be determined to which group a specimen belongs by the agglutinin test.

2. The crystals of animal and human blood are different in shape. It can be determined, by the precipitin test, whether a sample of blood came from a human being or an animal; and the species of animal can sometimes be determined.

3. If analysis of a sample of blood which was found on a suspect's person or effects shows that

it is not in his blood group, or that it is animal blood, it is positive proof that the blood did not come from him.

4. If analysis shows that the above sample is in the same blood group as the victim's blood, it tends to indicate that the blood is the victim's blood, provided suspect's and victim's blood are not in the same blood group; but this proof would not be positive. Sometimes, however, the sample of blood contains recognizable matter or fluid—such as hair, skin, mucus, etc.—in which event it can be ascertained by comparison whether or not the blood came from a particular person.

*Example—*

One Brown has been found murdered and Smith is suspected of the crime. A bloodstain containing human hair is found on Smith's clothing. The blood is in the same blood group as Brown's, and the hair it contains is identical with the hair in Brown's wounded nostrils. This is strong circumstantial evidence that the blood on Smith's clothing came from Brown's nose.

4. It is more difficult to establish the blood group of a dead person than that of a living one; and after advanced decomposition, it is sometimes impossible. It is also difficult to determine the blood group of bloodstains which are greatly altered by reason of a long lapse of time, chemical influences, sun rays, or other causes. Hence pieces of bloodstained evidence should be preserved, if possible, from such harmful conditions, and should



be examined by laboratory technicians as soon as possible. However, it is possible to tell if a very old sample of blood is human or animal.

5. If it is important to classify the blood of a victim in a homicide, a sample should be taken from the corpse, as this is positive proof of its source. Even when there is no suspect in a bloody murder, a sample should ordinarily be taken, as the victim's blood may be found on the person of the perpetrator or on his effects, if he is found.

6. When it is necessary to compare a suspect's blood with the victim's, a sample should be drawn from the suspect's body, when legally possible. Otherwise, the sample should be taken, if possible, from blood positively known to be his.

7. Occasionally, the investigator of a homicide finds a large stain at the scene, but he is not positive that it is blood; and he wants to be certain before he submits a sample to a laboratory for analysis. In such a case, the following preliminary test is one of several that can easily be made:

Dissolve one-fifth of a gram of powdered benzidine in two c.c. of glacial acetic acid, and add a few drops of a solution of perborate of sodium. Soak a piece of white blotter in water. Then press the wet part against a portion of the stain until it has absorbed some of it. Next put several drops of your reagent on the wet part of the blotter. If the stain is blood, it will turn blue or green.

The foregoing test is not positive, as a few other substances react similarly; but it will war-

rant the investigator's tentative suspicion. There are various other preliminary tests of this nature.

8. Bloodstains are not always red, as is popularly supposed. Their color is dependent upon the weather conditions to which they have been subjected and also upon the chemical properties contained in the material on which they are imposed. Bloodstains on wallpaper—owing to the chemicals contained in the paper itself, or to its color, are sometimes not visible in ordinary light; but examination with ultraviolet light will, as a rule, reveal them.

9. A murderer sometimes removes his victim's body from the crime scene, and endeavors to remove bloodstains by washing them from walls, floors, furniture, etc. If he uses hot water without soap for this purpose, only part of the bloodstain is removed, the remainder being fixed. Thorough washing with cold water usually removes the entire stain, as is the case when soap is used, whether with hot or cold water.

Usually, however, the perpetrator only tries to remove those stains that are apparent to him. An expert investigator, therefore, can usually find bloodstains in the room where a bloody murder was committed even when the murderer thinks he has effaced them. They are often found in the following places:

(a) In the seams of wooden floors and partitions;

(b) On the reverse side of floorboards which are not dovetailed;

- (c) In the groves and crevices of furniture;
- (d) On the under side of a doorknob or window-catch;
- (e) On the stoppers of bath-tubs and wash basins;
- (f) In receptacles which the killer searched.

If the victim was lying on the floor when attacked and blood spurted from an artery, it may be found on the bottom surfaces of furniture in the vicinity of the assault.

10. Occasionally, a murderer dismembers the body of his victim before removing it from the premises where the crime was committed, and gets rid of small organs, tissue, etc., by flushing them through the toilet. Evidence that this has been done may be found by searching the septic tank or cesspool, if any. There is also a possibility of finding it in the sewer-trap in the cellar.

Any viscid matter found which is likely to have come from the corpse should be sent to a laboratory for examination.

11. The degree of blood-staining on the perpetrator of a bloody murder depends on the kind of weapon used, the number of blows struck, and the position of the killer in relation to his victim. It should be remembered, however, that it is possible for the killer to avoid being blood-stained.

12. A blood-bespattered murderer usually endeavors to remove the blood from his clothing or effects by burning, hiding, or cleaning.

When burning is resorted to, some portion of the burnt article can usually be found on the pre-

mises where the suspect resides or in its vicinity. Even when such an article is almost entirely consumed by fire, blood may still be found thereon by laboratory tests.

Hidden blood-stained articles may be found on the premises or its surroundings; e. g., in the cellar, yard, garage, near-by pond, etc.

Blood-stained clothing sent to a cleaning establishment may be retrieved before being cleaned.

13. When a murderer endeavors to remove blood from his own body, clothing, or effects, some is likely to remain thereon and may be found in one or more of the following places:

- (a) Under the fingernails or cuticle;
- (b) In the hair;
- (c) In seams of clothing, lining of pockets, or flap of trousers; or under welts of shoes;
- (d) Embedded in the fibres of the clothing;
- (e) Under the polish of shoes that have been shined to conceal it.

Furthermore, when a knife has been used, blood is likely to be found on its handle or sheath even after the knife has been cleaned. On a hammer or hatchet, it is likely to be found in the head socket or in the crevices of the metal.

14. Freshly painted walls, woodwork, etc., should excite suspicion, as the paint may have been applied to cover up bloodstains.

15. The appearance of the bloodstains found at the scene of a homicide may enable the investigator to visualize what has occurred.

Bloody smears on walls, furniture, towels, etc., indicate that the killer was blood-spattered. This leads to the supposition that bloodstains are likely to be found on the person of the killer, or on his effects, even after he has endeavored to remove them, and that his bloody fingerprints may be found in any place where he tried to clean himself.

16. Blood spatterings are scientifically divided into five patterns; but they are also roughly divided into three—sprays, splashes, and drops.

From the patterns of bloodstains, many important deductions may be made, not only as to the origin of the stains but also as to other details of the crime. For instance:

(a) Blood from a wound inflicted with a blunt instrument will not spray, as a rule, unless the wound has come from more than one violent blow. A wound inflicted with a sharp instrument, on the other hand, may stream out in sprays at the first blow. Wounded arteries spray blood with each heart-beat, and the blood usually forms individual droplets.

(b) A drop of blood falling perpendicularly on a horizontal plane yields a round stain when it falls from a slight distance. From a greater distance, there are saw-tooth edges on the main stain. This jaggedness increases in proportion to the distance, up to about seven feet. At a greater distance than that, the drops usually reach the surface in the form of little droplets. (When it is important to estimate the height from which blood fell, experiments should be

made with animal blood, as should also be done when there is doubt in regard to any kind of blood spattering.)

(c) Blood-drops which fall on a vertical or oblique surface trickle downward, forming characteristic stripes. Drops which spurt rapidly against such a surface form patterns which look like exclamation marks, the points indicating the direction of the movement.

However, it should be remembered that a drop of blood which is shot upward by some force reaches a maximum height and then its movement is downward in an arc. Consequently, if on its downward path it lands on a vertical or oblique surface, the point of the exclamation mark thereby formed would indicate that its source was above the point of contact—which would not be a fact. The height of blood splashes on a wall or other vertical surface should be taken into consideration in determining the relative positions of killer and victim. (Blood which falls on a spongy or rough surface does not form exactly the same kind of pattern as blood which falls on a smooth surface.)

(d) A drop of blood falling from a moving object on a horizontal plane does not form the same pattern as does a drop falling from a stationary object. For example, at the instant a drop of blood leaves a man who is running or walking, it has a forward motion in ratio to his speed and a downward motion due to gravitation. Hence, when the drop reaches the ground,

the forward part of its contents becomes stationary, although the remainder of its contents is still moving forward. Consequently, tooth-like projections are formed on the drop in the direction the man is going. The length of these projections give an idea as to his speed. Of course, they would be longer if he were running than if he were walking.

It should be kept in mind, however, that a person wounded in the arm may swing it backward and forward while he is in motion or standing still. Account should be taken of this possibility in making deductions from the patterns of blood-drops ostensibly indicating motion.

Drops which fall from a weapon which a killer swings while beating his victim form a pattern somewhat like that above described; but usually such blood also forms spray- and splash-patterns.

17. One method for removing bloodstains (also other stains) from persons or animals—in order to preserve the stains as clues—is to moisten a piece of clean white blotting paper or clean white cotton cloth, about one-half inch square, with a saline solution (prepared by dissolving one teaspoonful of common table salt in one pint of distilled water). This moistened paper or cloth should be placed on the stain and allowed to remain until it has absorbed as much of the stain as possible. Dry this piece in air (Do not use artificial heat!), wrap in soft, clean paper, place in an envelope, seal, and label properly.

18. The general procedure which should be followed in removing bloodstains from articles is as follows:

(a) Sketch and photograph the place where the stains are before removing them.

(b) If practical, send the whole article or thing containing the stain, or at least part of it, to the laboratory. The part containing the stain may be cut out or sawed off. If that is not practical, then the blood should be scraped from the article with a sharp, clean knife. If it is on wood, plaster, linoleum, or any similar surface, about one-ninth of an inch of such matter should be removed with the stain.

Use a different new, clean brush to gather the scrapings from each area.

(c) Put the scrapings from each area into a separate vial. Mark the vials and carefully pack them in a tight container, sealing the latter and labeling it with a statement of its contents.

(d) Draw a circle with indelible pencil or hard chalk around each stain or small group of stains on clothing or other fabrics before forwarding them.

(e) Carefully mark each article or thing containing the stains, and make a record of the marks. Pack them securely before forwarding, in such a manner that the stains will not be rubbed off.

19. Make a complete record of each step as it is taken.



20. If blood-stained materials, clothing, shoes, fabrics, etc., are wet, they should be dried in the air of a warm room before the samples are removed. Artificial heat should not be used for this purpose.

(See "Laboratory," Page 514.)

### Hair—

A microscopical, chemical, and bacteriological study of hair offers a fertile field for criminal investigation. It is possible to determine the following points from a sample (especially a substantial one) of hair:

(a) Whether it came from a human being or an animal;

(b) The part of the body from which it came;

(c) The sex and approximate age of the person;

(d) Whether it came from a living or a dead person;

(e) Whether it matches the hair of a suspect or a victim of a crime;

(f) Whether it has been dyed;

(g) Whether it fell out, was pulled out, or was cut off.

### *Important Hair Clues—*

Hair is a very important connective evidence under the following circumstances:

1. The suspect's hair is found at the scene of the crime, or on the body, clothing, or effects of the victim.

2. The victim's hair is found on the body, clothing, or effects of the suspect; or on a weapon or an instrumentality which was in suspect's possession at the time the crime was committed and which was used in its commission.

3. The suspect's hair is found in the automobile or other vehicle in which the victim was killed or transported; or the victim's hair is found in a vehicle which was in the possession of the suspect at the time the crime was committed.

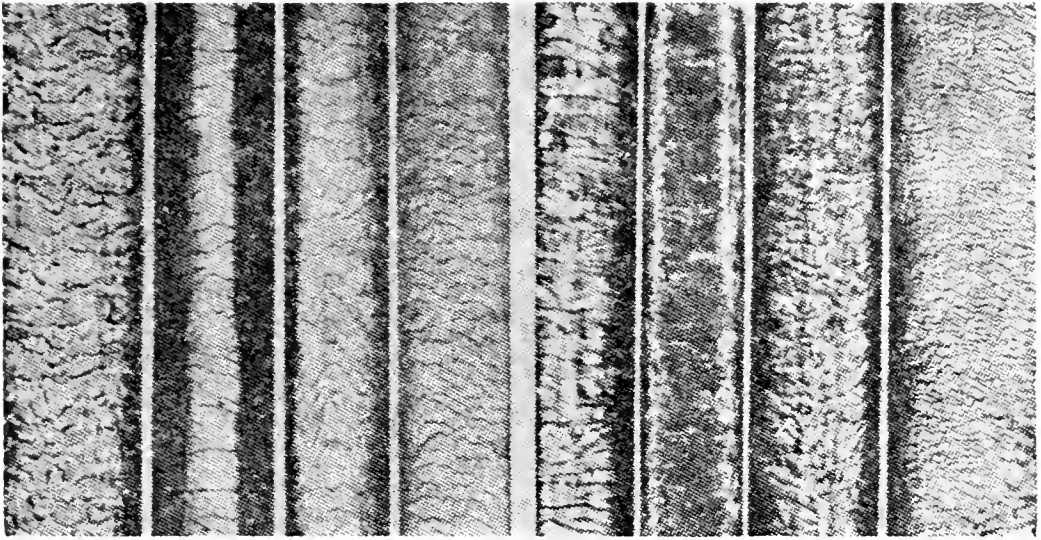
4. A suspect's hair is found on stolen goods.

Obviously, the investigator of a crime should search for hair that is likely to have evidential value, especially in homicide and rape cases.

A sample of the victim's hair should be obtained in homicide cases, as a rule, for possible future comparison, even when the perpetrator is unknown. It should be taken from the part of the body from which hair was likely to be transferred to the perpetrator or to the weapon he used. It should be pulled out, not cut.

When obtaining a sample of a suspect's hair for comparison with hair believed to be his, it should be taken directly from his body, if legally possible. Otherwise, a sample known to be his should be obtained elsewhere, if possible; as from his hairbrush, clothing, etc.

Hairs taken from different parts of the body should be put in separate containers, and record should be made showing the part each sample was taken from.



**HAIR CHARACTERISTICS**—Left to right, hair of negro, mulatto, white man, white woman; dog, cat, horse, and pig.

### Characteristics of Hairs Compared—

#### M A N

##### *Medullar (Center) Channel—*

Aerial net with fine granules

Invisible

Medullar cells not previously dissociated

Value of medullar index (relation of diameter of the medulla to shaft diameter) inferior to 0'30

Downy hair without medulla

##### *Cortical (Outer) Substance—*

Constitutes a thick muff

Pigment in very small homogeneous granulations

##### *Cuticle—*

Thin scales, slightly serrated (saw-toothed), very imbricated (tile-like)

## ANIMAL

### *Medullar (Center) Channel—*

Aerial content of vesicles more or less voluminous

Medullar cells very apparent

Value of medullar index over 0'50

Medulla in steps in the downy hair

### *Cortical (Outer) Substance—*

Constitutes a very thin tube

Pigment in irregular granulations, always larger than those of man

### *Cuticle—*

Thick scales, less imbricated (tile-like), than in man, very serrated

### **Burglars' Tools—**

Professional burglars often leave their tools at the scene of the crime to avoid being caught with them, but are as a rule careful not to leave any fingerprints or marks of identification on them. Still the kind of tools that are used may be significant *modus operandi*, and therefore supply a clue to the perpetrators. Amateur burglars often abandon the tool used at the scene, and they may often be traced through it, particularly if they obtained the tool in the burglarized building, or purchased it in the vicinity.

### **Handwriting and Typewriting—**

A written or typed document provided by the unknown perpetrator of a crime is sometimes of

great value in determining the guilt or innocence of a suspect.

The principal underlying the identification of a person's handwriting is similar to that by which his body, his fingerprints, his horse, etc., are identified.

*For example*, we find on the body of an unknown man certain distinctive marks such as scars, moles, measurements. We know that one John Brown has similar distinctive marks, so we conclude that the unknown man is John Brown, unless we know that he is not.

If the fingerprints were alike we would be positive in our identification.

Now on the other hand, we find a letter or other writing that has value as evidence, but we do not know the writer. We find, however, that the handwriting of one John Brown has many similar characteristics, so we assume that it was written by him.

There are about eighty definite characters in handwriting; and if Brown's writing and that of the unknown writer had a large number of these characters, particularly the significant ones, we would, of course, be positive of the identification. If there were ten or more points of similarity, we would have enough evidence on which to base reasonable suspicion.

It follows that it is less difficult to make comparisons when there is an extended piece of writing. So when possible a substantial amount of the suspect's handwriting should be secured. That

which he had written prior to the investigation is best, because, fearing the investigation, he may attempt to disguise his writing, and if he knows how to do so, it makes the investigation more difficult.

Usually, however, a guilty suspect tries to disguise his hand by making the capitals different. It is the little things which count most, and as these result from habit and individuality, the suspect is, as a rule, unable to omit them.

To secure a specimen of his handwriting from a guilty suspect requires tact. The writing he is suspected of having done should be read to him, and he be directed to write what was read. Or, prior to the test, prepare an extensive piece of writing, in which are included the words used in the suspected document and have the suspect write it from dictation.

A guilty suspect, and even an innocent one, who knows that he is under suspicion, is usually nervous and excited while writing, and as a consequence he may subconsciously disguise his hand. Therefore, an effort should be made to put him at his ease.

If practicable, the pen and ink used should be of the same kind as was used in the original.

It is good policy to have the suspect produce the specimen more than once.

When it is not possible to get the subject to write a specimen, it may be secured by obtaining a note-book of his, or letters which he had written to acquaintances, etc.

*Handwriting Characteristics—*

A few years after one has left school, one's individuality begins to show in one's handwriting, and it becomes distinctive. It is largely because of this that one's handwriting can be identified.

The systems in most common use by native-born residents of the United States are (a) the Modern Vernacular; (b) the Old Round Hand; (c) the Spencerian; (d) the Semi-Angular or Commercial; and (e) the Angular—mostly used by girls who were educated in private schools.

The system an American uses makes it possible to approximate his age, as each system was taught in our schools during certain periods. The writing of those educated in foreign countries—particularly where English is not the language—betrays their nationality to an expert in handwriting.

In making comparisons, the principal points to be noted are:

- (a) Formation of capitals, and whether made in whole or part with up-and-down strokes;
- (b) The manner in which the loops are made;
- (c) Crossing the "t's";
- (d) Dotting of the "i's";
- (e) Space between letters, words, and lines;
- (f) Alignment of letters;
- (g) Grammatical construction;
- (h) Misspelled words;
- (i) Lifting of the pen between letters;
- (j) Punctuation;

- (k) Marginal distances;
- (l) Heavy or light strokes (Women usually make the latter);
- (m) Date, and its position;
- (n) Kind of pen and paper used;
- (o) Watermarks on paper.

It also should be remembered that old people show a tremor in the downward strokes of the letters.

### *Other Important Points—*

When a written line on which the ink was partly absorbed, or even wholly absorbed, is crossed by another line, and ordinary fluid ink is used, the ink in the crossing will usually run out on the first line.

Erasures of pencil or ink marks will show when the paper is held up to a strong light, or inspected with a microscope.

Forged signatures which are traced with a pencil before the ink is used, will, when examined with a microscope, usually show graphite or lead particles.

Inks are of various kinds, and each kind can be readily distinguished from every other by expert examination. The black inks most commonly used in the United States are made from nigrosine, logwood, or iron nut gall. They look alike, but if one kind of ink is used to forge a document written with another, the forgery can be easily detected by scientific examination.



*Investigation of Typewritten Documents—*

Each typewriter manufacturer distinguishes his make of machine from that of all others by some particular style of letters, spacing, etc., and usually improves on his product from time to time. Therefore each manufacturer or dealer in a particular make of typewriter can easily tell whether or not a typewritten document was made on his product, and can usually tell any other brand of machine it was made on.

This knowledge is often possessed by operators of typewriters, and can be possessed by any one who studies the subject.

Every typewriting machine, particularly those in use for any length of time, has distinctive features, by which it can be singled out from all others. Indeed, every operator of a typewriter produces work that differs to some extent at least from that produced by others.

A policeman finding a typewritten document that has value as evidence, and seeking to identify the one who produced it, should ascertain the particular brand of typewriter it was made on, by consulting a manufacturer, or dealer, or a police expert. He can also do this himself by comparing the letters and spacing on the document with those produced from various brands of typewriters.

(The FBI laboratory maintains a classified file showing samples produced with various makes of typewriters, and also a collection of specimens of the handwriting of many criminals.)

After ascertaining the brand of machine that was used, he should examine typewriters of that brand which he finds in places where the document might have been produced, until he finds the machine that produced it. The machine is most likely to be found in a place accessible to a person who has a motive for making such documents. In making the comparison, he should note:

(a) The vertical position of the character in relation to the line of writing, which means its perpendicularity or slant to the left or right;

(b) The comparative weight of impression of the upper, lower, right, and left sides of each character;

(c) Defects in the type due to wear or tear or accident, such as part of letters not registering, etc.

In making copy for comparison, one should be made with the ribbon and the other without, by using the carbon paper.

Having located the machine on which the document was produced, the next step is to ascertain who had access to it. This being done, the person or persons suspected should be requested to write two copies from dictation of the subject matter of the original document. A comparison should then be made. It is well when making such comparison to have at hand typewriting produced by the subject prior to the investigation.

In making the comparison, particular note should be made of punctuation, spelling, paragraphing, marginal spacing, light, heavy, or even touch, and grammatical construction.

Do not fold documentary evidence on new lines

or expose it to dampness, strong heat, or light. Preserve the envelope, if any.

It is not necessary for all policemen to be handwriting experts, but every policeman should have sufficient knowledge of the subject to enable him to tell whether a document he finds at the scene of crime has any value as evidence. And every detective should be able to make a fairly skillful comparison of handwriting.

When the handwriting on a document is offered in evidence and there is a controversy as to who produced it, an expert usually gives the testimony.

### **Modus Operandi—**

Most up-to-date police organizations maintain a modus operandi ("M. O.") file. This file contains, under classified headings, all known methods of operation of every class of criminal in the commission of crime.

When a crime, such as burglary, robbery, grand larceny, etc., is committed, and the perpetrator is unknown, the detective investigating the case makes a record of the modus operandi, and consults the modus operandi file to see if there is a very similar method recorded there.

If such be the case and the criminal who uses the method is known, the detective adds this criminal to his list of suspects, and operates accordingly.

If there is a similar modus operandi on file, but the criminal is unknown, it is reasonable to

suspect that the crime being investigated was committed by such unknown criminal.

If there be no similar *modus operandi* on file, and *modus operandi* of the crime at issue is significant, a record is placed in such file for future reference.

It is, therefore, important that the detective investigating the crime observe and record the *modus operandi*.

### Points to Note in Identification by "M.O."—

*(Taken in substance from the  
New York City Police Regulations)*

1. Building
2. Entered (including approach)
3. Means
4. Object (property stolen)
5. Time
6. Represented self as
7. Tale
8. Associates
9. Vehicle
10. Peculiarities

#### *Building—*

State whether bank, club, hotel, apartment house, flat, detached house, private house, office, loft, church, store (kind), etc.

#### *Entered—*

By adjoining premises, cellar, coal chute, concealment, door (front or back), window (front or back), wall, floor, transom, etc.

*Means Used—*

The point should be clearly expressed, due regard being given to the method of entry used by thief, such as ladder, rope, fire-escape, porch, dumb-waiter, etc. The tools should also be noted, such as jimmy, chisel, bodily force, accomplice, key, etc.

*Object (Property Stolen)—*

Clothing, jewelry, money, etc.

*Time Committed—*

Indicated by the clock time. Note also anything significant, such as opening or closing time, holiday, Saturday, etc.

*Represented Self As—*

Beggar, canvasser, doctor, electrician, mechanic, gas man (bogus inspector), army or navy officer, etc.

*Tale—*

The criminal relies for the successful carrying out of his plans to a great extent on the tale he tells. It is almost always the same, often betraying the calling or trade he worked at, and many times it points out a particular criminal just as surely as his name would.

*Associates—*

Works with confederate—boy, man, or woman. Give name or names if known.

*Vehicles Used, If Any—*

The investigating officer shall invariably seek for traces of vehicles, etc., in the neighborhood of the crime, such as bicycle, motorcycle, automobile, horse and wagon, etc. This feature should be carefully searched for, and noted if found, great care being taken not to confuse it with the signs of usual traffic. Many good cases of detection have been attributable to the traces indicating the way in which the thieves moved in taking away the property.

*Peculiarities—*

Some criminals habitually commit eccentric acts in the premises where operating. These should be noted for the "M.O." file.

**"M. O." in Robbery Cases—**

In investigating a robbery, the following should be particularly noted for reference to modus operandi file:

1. Was vehicle used? If so, was it parked in front of or away from premises; was anyone in charge during operation; was engine left running?

2. Was "getaway" made in public conveyance? If so, state whether street car, elevated, subway, or taxicab.

3. Who was attacked? State whether paymaster, clerk, building contractor, bank messenger, etc.

4. How was victim attacked? Such as com-

pelled to hold up hands, bound, gagged, beaten, forced into a rear room; compelled to remove his pants, etc.

5. What weapons were used? State whether black-jack, club, knife, gun, etc.

6. Behavior while attacking—such as used vile language, nervous, cool; chewed tobacco, smoked cigarette, left note behind; appeared to be ignorant; was apparently well educated, etc.

## DESCRIBING PERSONS AND PROPERTY

When obtaining a description cover as many of the points below mentioned as possible: If you have any other facts of importance, add them. Remember that it is the little things that count and that a thief may successfully dispose of the most valuable part of his loot, and keep possession of some trifle, such as an old coin, which may be the cause of his detection and conviction. Also remember that a description of a wanted criminal is of little value in effecting his capture unless it is distinctive.

If you are the first at the scene of a crime and the criminal has escaped, telephone the best description that you can quickly obtain, then get a more distinctive description if possible, and give it to the desk officer.

The following is taken from the Police Department Regulations, New York City—

## DESCRIPTION OF PERSON WANTED

Escaped Criminal or Missing Person.

Sex

Age

Color

Height

Nationality

Weight

Occupation

**BUILD**—Stout or very stout; medium; slim; stooped or square shoulders.

**COMPLEXION**—Florid, sallow, pale, fair, dark.

**HAIR**—Color; thick or thin; bald or partly bald; curly, kinky, wavy; how cut or parted.

**EYES and EYEBROWS**—Color; eyes bulgy or small; eyebrows bushy or meeting; any peculiarities.

**NOSE**—Small or large; pug; hooked or straight.

**WHISKERS**—Color; Van Dyke, straight, rounded, chin whiskers, goatee, side whiskers.

**MUSTACHE**—Color; short, stubby, long, pointed ends, turned up ends, Kaiser style.

**CHIN**—Small, large, square, dimpled, double.

**FACE**—Long, round, square, peg top, fat, thin.

**NECK**—Long, short, thick, thin.

**LIPS**—Thick, thin.

**MOUTH**—Large, small, drooping or upturned at corners.

**TEETH**—Missing, broken, prominent, gold, conspicuous dental work, etc.

**EARS**—Small, large, close to or sticking out from head.



**FOREHEAD**—High, low, sloping, bulging, straight.

**DISTINCTIVE MARKS**—Scars; moles; missing fingers or teeth; gold teeth; tattoo marks; lameness; bow legs, pigeon toes; knock-knees; cauliflower ears; pock-marked.

**PECULIARITIES**—Twitching of features; rapid or slow gait; wearing eyeglasses; carrying a cane; stuttering; gruff or feminine voice.

**CLOTHES**—Hat and shoes, color and style; suit, color; cut; maker's name; shirt and collar; style and color; tie, style and color; dressed well or shabbily; dressed neatly or carelessly.

**JEWELRY**—Kind of; where worn.

**WHERE LIKELY TO BE FOUND**—Residence, former residence; places frequented or hang-outs; where employed; trade or employment followed; residences of relatives, etc.

**PERSONAL ASSOCIATES**—Friends who would be most likely to know of the movements or whereabouts of the person wanted, or with whom he would be most likely to communicate.

**HABITS**—Heavy drinker or smoker; drug user; gambler; frequenter of pool parlors, dance halls, moving picture theatres, etc.

**HOW HE LEFT SCENE OF CRIME**—Running, walking, by vehicle; direction taken.

### PROPERTY WANTED

**WATCHES**—Kind of metal; description of case, movement and numbers of each; sex, lady's

or gentleman's; use abbreviations "h.c." for hunting case, and "o.f." for open face; initials, monograms, or inscriptions; value.

**RINGS**—Kind of metal; sex, lady's or gentleman's style; setting; kind; weight, and number of stones; maker's name; initials or other marks; value.

**CHAINS**—Kind of metal; sex, lady's or gentleman's; length and weight; kind of link or style; value.

**EARRINGS OR STUDS**—Kind of metal; style, whether screw, coil or drop; kind, size and number of stones; value.

**JEWELRY (Miscellaneous)** — Name of article; kind of metal or materials; kind, weight and number of stones; design; initials; inscriptions or monograms; maker's name; value.

**TABLE SILVERWARE**—Name of article; solid silver or plated; heavy or light weight; maker's name; design, such as plain, beaded, flower, formal, animal, etc.; initials; inscriptions or monograms; value.

**GOLD AND SILVER GOODS (Miscellaneous)**—Name of article; kind of material; plated or solid; size; maker's name; design; number of pieces; if a set; initial, inscription or monogram; plain, chased; etched or engraved; open or solid pattern; value.

**POCKETBOOKS, HANDBAGS, SUIT CASES, ETC.**-- Name of article; material; size; color; shape; contents; initials or other marks; value.

CLOTHING—Name of article; material; style; color or shape; maker's name; initials or other marks; value.

FURS—Name of article, as coat, muff, collar, etc.; kind; size; color; value.

BRIC-A-BRAC OR ANTIQUES—Name of article; material or materials; design, size, shape; carved, engraved; enamelled or inlaid; age; value.

ANIMALS—Kind; size; color, distinctive color or other distinguishing marks; age.

TRUCKS AND WAGONS—Type; shape; color of running gear; name or other distinctive marks; contents.

MOTOR VEHICLES—See Separate Heading.

MOTORCYCLES—Make; year of model; number of cylinders; manufacturer's number; make of saddle; make and condition of tires; position of speedometer, horn, front and rear lights; distinctive marks.

BICYCLES—Make; color; number; kind of brake and saddle.

TYPEWRITERS—Kind; serial and consecutive numbers.

## AUTOMOBILE WANTED

LICENSE NUMBER—If transferred, from whom and date.

MAKE—Year of model.

WHETHER REBUILT—To what extent? If original lines have been changed, a full description of the appearance is necessary.

KIND OF BODY—

WHETHER BODY HAS BEEN REBUILT—to what extent.

BODY NUMBER OR TRADEMARK (If any) — Location of number of trade-mark.

MOTOR NUMBER—

FACTORY NUMBER—

CHANGES OR REPAIRS—Made on interior construction.

EXTERIOR INJURIES—Such as dents.

CHANGES MADE—On instrument board; new instruments added.

WHEELS—Wood, wire or disc.

TIRES—Size, make and condition.

WHAT PRECAUTIONS WERE TAKEN TO PREVENT THEFT OF THE CAR?—(Such as having the switch locked.)

LIGHTS—Kind and where located on car, especially tail light.

## ESCAPING AUTOMOBILE

LICENSE NUMBER—

MAKE OF CAR—

NUMBER OF PASSENGERS in car and description of them—

DIRECTION GOING—

KIND OF BODY—Number of doors.

STEERING WHEEL—On right or left side.

COLOR—

SIZE OF CAR—Heavy, medium or light.

RADIATOR—Location and general shape.

HOOD-SHAPE—Location of ventilators, if any.

MUD-GUARDS—Shape.

LIGHTS—Type; shape; location.

TAIL LIGHT—Exact location (important); whether shining on license plate from above or from the side.

REAR VIEWS—Note presence of anything, such as tire carrier, tool box, gas tank, type of rear springs, baggage rack, bumper, or shock absorbers, and shape of rear window.

HUB CAPS (Important)—Material (brass, nickel or painted); shape.

WHEELS—Wire, wooden, or disc.

INJURIES—Such as broken lamp; hub cap missing; mudguard bent; dents.

ACCESSORIES—Such as tires—and where placed on car.

## CHAPTER XVI

### SURVEILLANCE AND QUEST OF A CRIMINAL SUSPECT

PERSONS trailed or shadowed are usually those suspected of being guilty of a specific crime, those suspected of engagement in criminal practices, and those having contact with criminals for whom the police are looking.

Trailing is a very difficult procedure, especially when suspected by a quarry. Wanted professional criminals usually make frequent observations to see if they are being watched or trailed. Dodges often adopted to elude a police trailer are:

At the last possible moment, quarry jumps on a stopped streetcar or bus, then tries to spot any imitator. He enters a passing taxi, notes whether he is pursued, pays his fare in transit, alights in a busy thoroughfare, and loses himself in the crowd. He enters an office building, rides the elevators up and down for a time, observes if he is being pursued, and leaves the building by a different door than the one he entered. After turning a corner, he stops to see if he is being followed.

An associate may trail a professional criminal

going to the scene of an intended crime, to see if the latter is being trailed by a detective.

### **Warding Off Quarry's Suspicions—**

It is obvious, therefore, that a trailer's chance of success is greater if he does not look like the average policeman.

The use of elaborate disguises, while trailing, is not, as a rule, at all necessary.

But the detective's clothing should be inconspicuous in color and style and he should, as a rule, carry a cap and eyeglasses to change his appearance, should the quarry be looking about to see if he is being followed.

If he suspects that the quarry is likely to frequent sections inhabited by the poorer classes, he should wear a workman's blue or brown shirt over his ordinary top shirt. He should conceal this shirt while in good localities by tucking the collar under his vest, and should pull up the collar when in a section where a well-dressed person, loitering about, might attract attention.

He should carry a newspaper or magazine, so that he may conceal his features by pretending to read, if he happens to be on a public conveyance with the quarry. In such case, he should not, if it can be avoided, ride on the side of the car opposite to the quarry.

A pocket camera is often carried and used to take a snap shot of the persons with whom the quarry associates.

Generally speaking, the conditions under which

the detective has to keep the quarry under observation are, while the quarry is:

- (a) In his home or other premises
- (b) Walking on the street
- (c) Riding in a vehicle

If it be necessary to keep the quarry under observation continuously, two or more detectives must be employed.

### **Shadowing Quarry's Residence—**

It is most difficult to watch unobserved the residence of a quarry who is suspicious, as, before he leaves it, he usually observes from a window or elsewhere to see if he is being watched. He does the same thing before he enters his home. His suspicion would, of course, be aroused, if he saw a detective loitering near it. Therefore, the detective should endeavor to post himself inconspicuously behind a window facing the quarry's residence, on the opposite side of the street, preferably on the same floor level as the quarry's residence.

If this cannot be done, he should post himself inconspicuously on some stoop, or in some hallway or behind a store window. Pretending to read a newspaper while sitting on a stoop is one way of escaping suspicion. When observing from premises, it may be necessary for the detective to reveal his identity to its owner, but he should not as a rule reveal his purpose.

Detectives occasionally use a parked automo-



bile as a place of concealment while covering a quarry.

Sometimes the detective may have doubts as to whether or not the quarry is at home. One way to ascertain this is to note the telephone number of a candy, cigar, or other store adjacent to the quarry's residence. Then telephone from a nearby store to the candy or other store proprietor and request him to notify the quarry that he is wanted on that phone and that the caller is holding the wire.

This message will usually excite the curiosity of the quarry if he be at home, and he will respond to it. If he is not at home, some person in his residence will probably reply. In either event, the detective can either frame up a story to get information, or say that the wrong number has been called. If there be two detectives assigned, one should keep the quarry's home under observation while the other is telephoning.

Sometimes useful information can be obtained from the housekeeper of the building in which the quarry lives, by approaching her in the guise of an insurance agent, etc., and "pumping" her. It is not, as a rule, good policy for the detective to confide in the housekeeper or anyone else in the premises relative to his business, as even when such a person promises secrecy, she whispers the secret to a confidant who passes it along to another until it gets to the ears of the quarry.

If it be important to learn to whom the quarry writes letters, and the detective sees him drop-

ping one into a letter box, he should immediately drop a large blotting pad in the letter box, on top of the letter, and get permission from the postal authorities to examine the address of the letter, under the pad in such box, before its collection.

### Use of Dictograph—

The dictograph is occasionally a valuable aid in a criminal investigation, especially when it is important to listen to the conversations of criminals or their confederates while they are in their homes or rendezvous. Mechanically, the dictograph consists of an ordinary telephone circuit with a sensitive granular carbon transmitter and a diaphragm somewhat larger than that in the Bell telephone. The sound which comes along the wires is increased at the listener's end of the line. The transmitter being only a few inches in diameter, the apparatus is easily concealed in a room.

Its installation without detection, however, is not an easy task. It is usually done while the occupants of the premises are out. Sometimes entrance is obtained through the cooperation of the janitor, landlord, or manager of the premises.

Of course, the transmitter should be placed where it is not likely to be observed; e. g., behind a picture, under a desk, between a curtain and a window, under a corner of a rug, etc.

The listening-post is usually set up in a near-by room or house. The wires leading out of the room from the transmitter should be carefully

carried along a picture molding, or otherwise arranged to escape observation.

Usually, two officers are stationed at the listening post. The voices overheard are either transmitted to wax discs like the familiar phonograph records, or are taken down by a stenographer with earphones who is listening in.

When practical, an officer should be stationed where he can keep the entrance to the premises occupied by the suspects under observation, so that he will be able to testify that they were in the premises when the conversation was heard. Thereby their identity can be established by their voices.

### **Trailing Quarry on Street—**

An amateur trailing on the street would show such excitement and such an intense look of concentration that pedestrians would stop to see what the matter was. Soon this would attract the attention of the quarry. He would guess the cause and act accordingly.

Therefore, a detective doing such work should show no excitement and keep his eyes on the quarry without appearing to do so.

When trailing on congested sidewalk, he should usually remain on the same side of the street as the quarry, and close enough so as not to lose sight of him should he turn a corner or enter a building. If the quarry should suddenly turn around, the detective should continue walking, as if he were unconcerned, and not turn until he can do so without exciting his suspicion.

If the quarry enters a business building, the detective should do likewise, without attracting his attention, and if he loses the detective in it, by riding up and down in elevators, etc., the latter should post himself at the most likely entrance and endeavor to "pick him up."

If he enters a private residence, the detective should note the address and as soon as practicable ascertain the character of the occupants of the premises.

If he boards a public conveyance, the detective should do likewise, but if this be impossible, he should get into a passing taxicab or private automobile and get the driver to speed up until he has advanced beyond the quarry. He should then alight and board the conveyance when it passes. If no automobile is available and the quarry has boarded a street car, the detective should take the number of the car; take a subway or an elevated train, if practical, going in the same direction, until ahead of the car; then leave the train and board it.

If the quarry purchases a ticket in a railway station, the detective should endeavor to be close enough to hear him state his destination, and purchase a ticket to the same place. If this is not possible, he should enter the train with his quarry, inform the conductor of his difficulty and request his cooperation in ascertaining the quarry's destination. He should ride with him to this destination, provided it is his duty to do so.

### **When Two Detectives Trail a Quarry—**

When two detectives are trailing, one should usually stay behind the quarry and the other keep on the other side of the street. They should have prearranged signals and signs, such as placing an arrow on the corner building on the street, where a turn is made. If this is done, and one loses the quarry, he can find him by following the trail made by the other. They should for like purpose arrange that if one loses the quarry, the other will, at the first opportunity, telephone to a prearranged place and inform him of the quarry's whereabouts.

If both lose the quarry, then one should cover his residence, and the other cover his most likely hang-out, and endeavor to pick him up.

If the quarry associates with another suspicious person during the trail, this person should be trailed by one of the detectives, until he learns his residence or hang-out, and, if practicable, his character. Using an automobile is resorted to by trailers when a suspect uses one. In such case, the detectives should familiarize themselves with the description of his car, particularly its distinctive features, license number, and tire marks.

### **TRACING A FUGITIVE**

When the perpetrator of a serious crime escapes from the scene, certain routine police action is taken (see Page 398).

In important cases, detectives are assigned to trace the fugitive.

This is a difficult task, even when the suspect is known, especially if he keeps moving from place to place and covers his tracks skillfully. Of course, the task is far more difficult if the fugitive is unknown and must be traced from his description as imperfectly reported to the police or as constructed by them. Yet, with sufficient contributory data, the constructed description may be accurate enough to prove very useful.

### **Data Which May Identify Fugitive—**

If you are assigned to trace a fugitive, you should, at the outset, obtain all possible pertinent information about him, including his portrait parle, carriage, habitual gestures, habits, manners, interests, customary manner of speaking, and kind of voice; his criminal record; his *modus operandi*; his former employment, near relatives, close friends, places he is likely to frequent, etc.

If you have obtained his photograph, his fingerprints, or a copy of his signature, you should keep same on your person, to be available immediately on any occasion when needed.

For instance, you may find a name on a hotel register and desire to compare the handwriting with the suspect's signature; or, on entering a place where a person of his description has resided, you may want to make sure if it were he by showing his photograph to trustworthy persons residing there.

(NOTE—The FBI maintains a collection of specimens of the handwriting of many criminals.)

You should also, if possible, ascertain what laundry marks his clothing bore prior to his flight, as this knowledge may be helpful in tracing him (see "Laundry Marks," Page 418).

### Criminal Disguises—

Keep in mind that wanted criminals sometimes alter their appearance by one or more of the following methods:

(a) Growing a moustache or beard if he had none formerly, or shaving it off if he had;

(b) Wearing eyeglasses if none were formerly worn, or discarding them if previously worn;

(c) Dyeing his skin or hair;

(d) Destroying original tattoo marks by having them dexterously covered with other patterns;

(e) Changing gold fillings of front teeth, extracting peculiarly shaped front teeth, or changing the contour of the face by using artificial teeth;

(f) Altering distinctive characteristics of the face, such as scars, moles, bulbous nose, thick lips, flop ears, etc., by plastic surgery;

(g) Destroying the distinctive pattern of the fingerprints with acid or by burning;

(h) Altering the appearance of the eyes in respect to size and shape by having a surgical operation performed on the eyelids;

(i) Wearing clothes of a different pattern to that formerly worn, or by wearing clothing of the opposite sex.

Nevertheless, when features are altered by plastic surgery or an attempt is made to destroy fingerprint patterns, tell-tale scars indicate that fact. Even if there were no visible scars, the fact that an operation had been performed could be detected by placing the suspect in front of a mercury quartz light, the rays of which are filtered so as to pass only the very shortest of the ultraviolet ones. Scar tissue can be detected immediately by this method, and it would be physically impossible to perform an operation which would not leave such detectable traces.

### General Hints—

1. If the fugitive had resided in a hotel or other premises where telephone messages are sent via a switchboard on the premises, the operator of this board would usually be able to supply telephone numbers called by the fugitive. The persons or resorts called, especially those called frequently, may supply information as to his whereabouts or leads thereto. Significant telephone numbers, addresses, and other leads are sometimes found in the room or place formerly occupied by the fugitives. Empty match boxes left behind him, bearing the advertisement of some club or resort, may be a lead to his hang-out. The proprietor of the premises where the fugitive had resided may know the names and addresses of those who frequently visited him there.

2. A murderer is often drawn back to the scene of his crime as if by a magnet.



3. Criminal narcotic addicts may be traced through their addiction, as they are likely to frequent the locality where they obtain their supply and to associate with other criminal addicts there.

4. A psychopathic criminal who knows he is wanted by the police is likely to attract attention to himself in resorts by boasting to casual acquaintances that he is "hot." This possible source of information should not be overlooked.

5. If it is known that the fugitive is suffering from a disease requiring continual medical attention—as, for instance, tubercular or venereal disease—information relating to him should be sought in hospitals, clinics, doctors' offices, etc.

6. Criminals, after committing a bank robbery or other serious crime in a small community and escaping from the scene in an automobile, often drive to a distant city or hide-out, patronizing tourist camps on the way. Usually such a crime is carefully planned in advance, including the get-away, and, in the escape from the scene, main traffic arteries are avoided when less travelled ones are available.

7. Fugitives of the hobo type usually frequent cheap lodging houses and "jungles" (hobo camps).

8. A criminal who has stolen a large sum of money sometimes spends lavishly in night-life resorts, especially those patronized by underworld characters, and may attract the attention of persons willing, if asked, to give information to the police.

9. If the detective knows that the fugitive has a distinctive liking for a certain kind of food or

drink, he should mention that fact when seeking information in places the fugitive may have patronized. A waiter, bartender, etc., who has served him may remember him because of this peculiarity. The same applies to any peculiar manner of speech or behavior. It should be remembered that some slang words and idioms are peculiar to certain races or certain states.

10. If it is suspected that the fugitive is on parole from prison, information relative to him should be sought in places where paroled prisoners are required to report. If he is known or suspected to be a veteran United States soldier or sailor, information about him may possibly be obtained from the military or naval authorities, as well as from those who have served with him in the same military company or ship.

11. A fugitive ex-convict sometimes hides in the residence of an ex-convict who was his pal in prison, or in the home of a friend or relative of this pal.

12. Foreign language newspapers and those published in other states are usually sold only by a small percent of the newsdealers in a city. A fugitive from another state—whether foreign or native—is likely to patronize such newsdealers, especially just after committing the crime, in order to see what is being said about it. This source of information should not be overlooked.

13. Two likely ways of learning a fugitive's address are as follows:

(a) Send a special delivery or registered letter bearing his name to the address of a rela-

tive or friend of his who is likely to know where the fugitive resides or can be found. Instruct the mail carrier not to deliver the letter, but to inform the relative or friend that it will be held in the post office until the person to whom it is addressed sends or calls for it. The friend, thinking that the letter is important, is likely to communicate with the fugitive, who may write to the post office or call there. Hence arrangements should be made with the post office authorities to cover the mail of the fugitive and that of his friend.

(b) Send a messenger boy with a telegram to the home of the friend or relative. Let the boy inform him that he has attempted to deliver the telegram at the former address of the fugitive, and has been informed that the latter has moved but that the friend could supply his new address (see "Trailing," Pages 471-3).

14. When a crime is roughly planned and executed, it indicates that the perpetrator is either an amateur or a stupid person—perhaps a moron; whereas careful planning, timing, and execution indicate that it was perpetrated by a skillful professional criminal.

15. It happens occasionally that a person who is willing to cooperate with the police receives frequent telephone calls from a fugitive whose whereabouts he does not know and who will not come to the premises. In that case, when practicable, a temporary telephone should be installed on the premises by the police and a policeman stationed there. When the fugitive calls on the

regular telephone, the policeman using the temporary one should forthwith notify the telephone company to trace the call. When it is traced the nearest radio patrol or patrolman should be rushed to where the fugitive is. Arrangements should be made beforehand to have the person who receives the fugitive's call keep him on the wire as long as possible. Moreover, the tracing of the call should be done quickly.

16. The following are some general sources of information when tracing a wanted person:

- (a) The express or taxicab company which moved him or his effects;
- (b) The electric light and gas companies;
- (c) Schools, if he has children of school age;
- (d) Election registry, if he is a voter;
- (e) The telephone directory and the city directory;
- (f) Credit associations;
- (g) Insurance companies;
- (h) Employment agencies;
- (i) Pension bureaus and relief rolls;
- (j) Passport offices and steamship companies;
- (k) Motor vehicle license bureaus and garages, if he is known to have a car.

## WHEN GUN-PLAY IMPENDS

When you enter a room where an armed enemy may be concealed, swing the door open and force it back until it rests against the wall, at the same time keeping out of the line of fire of a shot that

may be fired from behind it. If the place be in darkness, keep in the shadow until your eyes become accustomed to the darkness, or you can use your flashlight with a degree of safety. When firing at a concealed enemy in a dark place, move after each shot so that the flash will not reveal your position.

When you are in a car pursuing an automobile in which criminals are fleeing, do not approach it too close before it stops. Then approach it from the rear rather than from the front. If you desire to stop the car rather than shoot its occupants, fire at the lower part of the gas tank or at the tires below their center.

## CHAPTER XVII

### CIVIL RIGHTS AND THE POLICE

THE Constitution of the United States provides that Congress shall make no law abridging freedom of speech nor of the press; that the federal government shall not interfere with the right of assembly—provided it is exercised for a lawful purpose and in a peaceful manner—nor with the right of petition—so long as it is used in good faith and for a proper purpose; and no person shall be deprived of his liberty without due process of law.

While these constitutional provisions are intended to protect private and public discussions—*especially in political matters*—they do not justify breaches of public order, breaches of public welfare, advocacy of physical force, nor breaches of private rights.

### THE POLICE POWER

A state must make no law that would take these constitutional rights from any person living under its jurisdiction. Nevertheless, each state has inherent “police power.” This means that a state has the right to protect itself and all its

constituents from harm. The legislature exercises this power by making laws and then delegating their enforcement to administrative officers or commissions. When a state legislature exercises its police power to make a law abridging a constitutional right, it must not abridge such right more than is necessary for the public good.

The Legislature of the State of New York, in the exercise of its police power, has abridged the constitutional rights of its citizens in respect to freedom of speech, press, and assembly, to the extent of enacting laws to prohibit individuals within its jurisdiction from saying or publishing anything that is slanderous, libelous, or offensive to public decency, or that would induce crime, destroy organized society, disturb the public peace, or otherwise invade the lawful rights of others. It has also prohibited the assembly of persons whose object is to do such wrongful acts. These provisions of the Penal Law of New York State may be found under the following captions:

(1) Disorderly Conduct. (2) Conspiracy. (3) Slander. (4) Libel. (5) Unlawful Assembly. (6) Riot. (7) Anarchy. (8) Masquerades. (9) Untrue Advertisements. (10) Disguises. (11) Obscene Prints. (12) Parades and Processions.

## ASSEMBLIES (Non-riotous) AS A POLICE PROBLEM

### Typical Illustrations—

(a) A number of communists assembled in the public thoroughfare at 42nd Street and

Fifth Avenue, New York, were listening to a speaker advocate that the communistic form of government be established in the United States and that the change be brought about by means of the ballot box and parliamentary procedure. No permit had been obtained to hold the meeting.

The speaker and those assembled have a constitutional right to do this, but the right has been abridged by state law. It is an offense to obstruct a public thoroughfare. Such a meeting should therefore be dispersed.

(b) A number of persons are holding a noisy political meeting after midnight in a quiet street in a residential section, and the people residing in the vicinity complain of the noise.

The meeting is a constitutional one, but the right to hold it is abridged by the fact that persons have the right to sleep without such unnecessary disturbance. Such a meeting should therefore be dispersed by the police.

When a political meeting held in a quiet public thoroughfare obstructs traffic only slightly, the police usually do not disperse it, even though there be no permit.

(c) A number of persons are holding a religious meeting in a public street without a permit.

It is unlawful to hold such a meeting in the streets of New York City without a permit. The meeting should therefore be dispersed and all other proper police action taken.



(d) A number of persons assembled on a public sidewalk are listening to a speaker discuss the merits of various baseball teams.

It is questionable whether any meeting other than a political one has a constitutional right to assemble in a public thoroughfare without a permit. However, the police have the right to disperse any assembly obstructing a public thoroughfare without a permit. Still, the police should be—and are—tolerant in such matters, and their actions in such cases should usually be governed by the circumstances. The police generally do not deal drastically with those who assemble for the moment to worship some hero or to observe some other condition that excites their curiosity.

### Un-American Activities in General—

Today there are several organizations in the United States whose totalitarian political philosophies are contrary to our American concepts. Of these, the Communist party is evidently by far the largest numerically. In estimating its potentialities, account should be taken of its program and methods of operation. A considerable part of the following data in respect to it is taken from the report of the Dies Committee now (1939) investigating un-American activities:

#### *Communism—*

It is authoritatively said that the Communist party of the United States is a section of the Communist (Third) Internationale, which has its headquarters in Moscow.

The Communist Internationale is the international organization of the Communist parties of all countries.

The following are excerpts from the program of the Communist Internationale:

“Expressing the historical need for an international organization of revolutionary proletariat—the grave-diggers of the capitalistic order—the Communist Internationale is the only international force that has for its program the dictatorship of the proletariat and communism, and that openly comes out as the organizer of the international proletarian revolution. The ultimate aim of the Communist Internationale is to replace world capitalist economy by a world system of communism. The conquest of power by the proletariat does not mean peacefully ‘capturing’ the ready-made bourgeois state machinery by means of a parliamentary majority. The conquest of power by the proletariat is the violent overthrow of bourgeois power, the destruction of the capitalist state apparatus (bourgeois, armies, police, bureaucratic hierarchy, the judiciary, parliament, and so forth) and substituting in its place new organisms of proletarian power, to serve primarily as the instruments for the suppression of the exploiters.

“The dictatorship of the proletariat is a stubborn fight—bloody and bloodless, violent and peaceful, military and economic, pedagogical and administrative.\*\*\*

“The mass action includes a combination of strikes and armed demonstrations, and finally a

general strike conjointly with armed insurrection against the state power.\*\*\*”

One who was twice the candidate of the Communist party for President of the United States, when being examined by the Fish committee relative to the program of the Communist Internationale acknowledged that it was practically the program of the Communist party in the United States, and that the Communist party everywhere looks upon the Soviet red flag as its own banner.

One of the questions asked by the chairman of the committee was:

“You believe that by advocating the substitution of the Soviet system of government for the republican form of government you are operating under the law?”

“I, of course, do not say we derived our theories from the Declaration of Independence,” replied the witness, “but the Declaration of Independence says that when a government demonstrates that it no longer represents the interests of the masses, it is not only the right but the duty of these masses to dispose of that government and to establish one that will represent their interests—to abolish that government.”

One of the methods used by Communists in spreading that doctrine is known as the “Trojan horse” method.

George Dimitrov, in his address before the Communist Internationale in Moscow in 1935, is reported to have explained this method as follows:

“Comrades, you remember the ancient tale of

the capture of Troy. Troy was inaccessible to the armies attacking her, thanks to her impregnable walls, and the attacking army, after suffering many sacrifices, was unable to achieve victory until, with the aid of the famous 'Trojan horse,' it managed to penetrate to the very heart of the enemy's camp. We revolutionary workers, it seems to me, should not be shy in using the same tactics.\*\*\*"

It is also said that schools are maintained by the communists where members are instructed on how to promote communism in any union or other organization to which they may belong. One of the things they often do is to brand as Nazis or Fascists all prominent fellow-members of such organizations who oppose communism. Needless to say, both Nazi and Fascist political philosophies are contrary to American democracy.

#### *Police Action Against Criminal Anarchy—*

Many of those engaged in anti-American activities invoke the Bill of Rights when enmeshed in the toils of the law. To be sure, it is stated in the Constitution of the United States (Bill of Rights) that "Congress shall pass no law respecting the establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of people peacefully to assemble and to petition the government for a redress of their grievances." But this does not mean that promoters of foreign "isms" have the right to advocate the overthrow of our form of government by unlawful means.

Policemen, especially in these times of unrest, should be very active in bringing before the bar of justice all those who advocate, by word of mouth or writing, the overthrow of organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any other unlawful means. The advocacy of such doctrine is criminal anarchy, a felony. The following illustrates the point:

A number of communists assembled in a hall are listening to and applauding a speaker who is advocating that communism be established as our form of government. He advocates and urges in fervent language that the change be brought about by mass action that would progressively foment industrial disturbances and through political mass strikes and revolutionary mass actions overthrow and destroy organized parliamentary government. One of his statements was: "The proletariat revolution and the communist reconstruction of society—the struggle for these is now indispensable. The Communist Internationale calls the proletariat of the world to the final struggle."

A communist named Gitlow was convicted of criminal anarchy a few years ago. He used in substance the language above quoted in writings which he caused to be published.

Therefore, if such language, or language similar to it, were used in a public meeting by a person, he would be guilty of criminal anarchy, and those present at such a meeting who encouraged him by

their applause and presence would also be guilty of crime, as would also the person who had charge of a hall if he knowingly permitted them to use it for such purpose.

### *Prohibited Uniforms—*

The New York penal law prohibits the wearing in public of uniform or dress similar to that of the official or semi-official forces of any foreign nation or of any association which imitates the drill formations, salutes, or other practices of any foreign organization. It makes it unlawful for the proprietor of a public hall, garden or theatre to permit an assemblage of persons so attired. Diplomatic corps and officials of foreign nations, actors, and students of military schools, the K. of C., Boy Scouts of America, and certain other organizations are excepted.

### *Deportable Aliens—*

Furthermore, if a police organization obtains evidence that an alien is engaged in an un-American activity which renders him liable to deportation, it should report the facts of the matter to the proper federal authority.

An alien may be deported on proof that he believes in, advises, advocates, or teaches the overthrow by force or violence of the government of the United States, or that he is a member of, or affiliated with, any organization, society, or group which advocates or teaches this doctrine.

## Policing Assemblies—

When the police officer who is to have the responsibility for policing a large meeting receives advance information of the fact, he should, prior to it, inform himself relative to the following:

1. The person who is managing the meeting; the organization that is conducting it; whether such organization had previously held meetings, and whether there was any disorder.

2. The object of the meeting; the date, time and place where it is to be held.

3. The predominant nationality of those likely to be there; whether a foreign language will be spoken by the speakers; and if there are to be any very prominent or notorious persons present.

4. The number of people likely to be present; whether admission is to be by ticket; how many tickets are to be sold, or given away, prior to the meeting. Also, whether tickets are to be sold at the entrances, and in how many ticket booths.

5. The capacity of the hall, the number of entrances and exits, on its interior; also the arrangement of seats and the speaker's platform in the interior.

6. The traffic conditions that are likely to exist on adjacent streets during the time meeting is being held, including street car lines, also subway or elevator entrances and exits.

Having gathered this information, he should make a general plan of the exterior of the meeting hall, including adjacent streets, showing en-

trances to and exits from the hall, also the location of ticket booths.

If the meeting is to be held out-doors, he should make a rough map of the streets surrounding the speaker's platform, and mark on it the points where the most important police work is necessary. After having done this, he should estimate from the facts he has gathered how many patrolmen and subordinate officers he is likely to need.

In making the estimate he should give consideration to the following:

(a) The character of the persons likely to be present, and whether the object of the meeting may be opposed by persons who might come to it to create a disturbance.

(b) The number of entrances and ticket booths that have to be covered.

(c) The number of policemen that will be required on the interior, if any.

(d) The number of reserves that will be required, if any.

(e) Whether the capacity of the meeting place is less than the number of persons likely to attend, and an overflow meeting may have to be covered.

(f) The necessity for regulating traffic in adjoining streets, and establishing police lines to shut off traffic, if the crowd is very large.

Having made his estimate, he should mark on his plan the spot where each important post is to be, and the section that is to be covered by each superior officer subordinate to him. He should



then prepare a section plan for each superior officer who will be under his command, showing the number of men that such officer will have and their posts. If the number is large he should send such section plan to each superior officer in advance of the meeting, so that they may visit the place where it is to be held, and familiarize themselves with it.

He should order or request the assignment of the patrolmen and officers he requires, and see to it that they are ordered to report before the crowd is likely to arrive.

He should, an hour or so prior to the meeting, see to it, if practical, that the doors are opened. This prevents the crowds from milling about outside and creating disorder.

If tickets are to be used, he should, in advance, suggest to the management that a different color ticket be used for each entrance, and that they should not be issued in excess of the capacity of the hall. When this is done, he should see to it that the officers assigned to the meeting are shown a sample of each such ticket, and informed as to whatever entrance it is good for.

If, before such a meeting is held, he has reason to believe that it is to be conducted by anarchists or rioters, he should inform the person in charge of the hall of that fact, and warn him of his responsibility; also take other necessary police action. When he fears that anarchy or a kindred doctrine may be advocated at a meeting, he should see to it that men in plain clothes are assigned to

the meeting, including a stenographer to get evidence. If a foreign language is to be used, policemen so assigned should have a knowledge of such foreign language.

If the meeting is of such large proportion that there is danger of serious crowding in the vicinity of the hall, he should establish police lines some distance away from the hall, and divert unauthorized pedestrian and vehicular traffic from the locality.

He should carefully observe conditions prior to and during the meeting, to see if proper lines are being maintained at entrances; and if there is any over-crowding at any entrance, due to insufficient police, he should immediately reinforce those assigned there.

He should, prior to the conclusion of the meeting, assign the necessary number of policemen to nearby subway entrances to prevent over-crowding, and see to it that traffic is properly regulated while he assembly is disbanding.

Prior to all large assemblages, provision should be made for the *parking of automobiles* and the *movement of vehicular traffic* on adjacent thoroughfares, including bridges and tunnels.

*Problems which should be anticipated* are: ticket speculators, peddlers, vendors, beggars, panhandlers, pickpockets, etc.

*Cooperation should be effected* with railway companies for adequate handling of the crowd; with the fire department for a fire-prevention detail; with hospital authorities for ambulances;

and with other city departments as occasion may require.

At large public meetings and parades, an area about fifty feet square should be restricted at the immediate entrance to the hall or stand to permit unobstructed entrance and departure of distinguished persons.

*Action at an Orderly Assembly—*

It often happens that persons who feel that they have a political, industrial, or other kind of grievance, hold a lawful meeting to agitate it. When the circumstances are such that intense emotion is likely to be developed, and angry passions aroused, the police force assigned to handle the condition should be of sufficient numerical strength to overawe any in the assembly who may be inclined to lawlessness. Policemen in plain clothes should be mixed through the crowd and uniformed men should be in the vicinity of the speaker's stand. A strong cordon of uniformed men should surround the crowd, and a sufficient force be held in reserve to cope with any emergency that may arise. Mounted policemen are very effective upon such occasions.

The officer in command should keep himself posted as to the spirit of the crowd, and if it is apparent that the mob spirit is developing, he should disperse the gathering. At this state, it is sometimes possible to get the cooperation of the leaders in the crowd in accomplishing this purpose.

*Action at a Disorderly Assembly—*

When an assembly is becoming imbued with the mob spirit, but has not as yet resorted to unlawful acts, the commanding officer in control should order it to disperse and assign his force to both sides of it, to move it along. The movement should be so directed that the mob becomes scattered. After this has been accomplished, police lines should be formed at strategic points to prevent it from re-forming.

If the gathering, when ordered to disperse, shows a spirit of resistance and does not comply, the police officer in command should not hesitate or temporize, as the least show of weakness may encourage unlawful acts by members of the crowd so inclined. The latter having so acted, the example would be followed; and the condition would soon develop into a serious riot. Therefore, in such a case, he should order the members of his command to use their night clubs in an effective and determined manner. The use of fire hose or tear-gas bombs is also very effective at this stage.

Action to be taken if this situation does develop into a serious riot is indicated under "A Riotous Mob" (Page 500).

## RIOTS AND UNLAWFUL ASSEMBLIES

In the ordinary sense, the word crowd means a gathering of individuals of whatever nationality, profession or sex, whatever be the means or purpose that has brought them together.

A serious riot usually has its inception in a crowd which has assembled to agitate some grievance—real or fancied.

At its commencement, such a gathering usually consists of persons who feel concerned in the matter in various degrees of intensity, and mere spectators. At this stage, it is easily handled by constituted authority.

There is, in every crowd, a certain percentage of reckless spirits who are by nature chronic malcontents and rebels against organized society, and being in the crowd, they make its grievance *their* own, even though the matter does not concern them.

These demagogues lash the crowd with fiery language, and, as the agitation progresses, more and more of its members become so filled with emotion that they lose their sense of individual responsibility; their ideas shape themselves to the spirit of the mob, and they feel possessed of invincible power to put their ideas into practice. Even many of those who, at the beginning, were mere spectators, find that they lack the will power to go away from the contagious environment. They become filled with emotion, and imagine that the grievance being agitated concerns them.

At this stage the assembly may be said to be an unlawful one, and on the verge of being a riotous one. But there is yet a bare possibility that, at this stage, it can be suppressed without the use of physical force.

The exciting environment of such a crowd fills the reckless spirits in it with an overwhelming impulse to do violence, and, here and there through the crowd, they begin to commit audacious and unlawful acts.

Their example is followed by those in the crowd who are the most excitable and weak-willed. Soon those in the crowd who under ordinary conditions are law-abiding citizens become possessed of an irresistible impulse to follow the example of the others, and they join in the violence, feeling that in the crowd they are unobserved and unknown, with no individual responsibility for their wrongful acts.

At this stage, the gathering may be said to be a riotous mob, and it can only be suppressed by physical force.

The violence of the mob is usually directed towards obtaining revenge for a real or fancied grievance, and it may be satiated when this object is accomplished.

But it is more likely to be emboldened by such success; then the vicious and lawless of all classes flock to its ranks, and it endeavors to satisfy its appetite for pillage and bloodshed.

**(New York State Law)—**

*Riot—a Felony—*

Whenever three or more persons, having assembled for any purpose, disturb the public peace, by using force or violence to any other person, or to property, or threaten or attempt to commit such disturbance, or to do an unlawful act by the

use of force or violence, accompanied with the power of immediate execution of such threat or attempt, they are guilty of riot.

*Unlawful Assembly—a Misdemeanor—*

Whenever three or more persons:

1. Assemble with the intent to commit any unlawful act by force; or,

2. Assemble with intent to carry out any purpose in such a manner as to disturb the public peace; or,

3. Being assembled attempt or threaten any act tending towards a breach of the peace, or an injury to person or property, or any unlawful act;

Such an assembly is unlawful, and every person participating therein by his presence, aid or instigation, is guilty of a misdemeanor.

But this section shall not be so construed as to prevent the peaceable assembling of persons for lawful purposes of protest or petition.

*Remaining Present After Warning—*

A person remaining present at the place of an unlawful assembly or riot, after the persons assembled have been warned to disperse by a magistrate or public officer, is guilty of a misdemeanor, unless as a public officer, or at the request or command of a public officer, he is endeavoring or assisting to disperse the same, or to protect persons or property, or to arrest the offenders.

*Remaining Present After Meeting  
Adopts an Unlawful Purpose—*

Where three or more persons assemble for a lawful purpose, and afterwards proceed to commit an act that would amount to a riot, if it had been the original purpose of the meeting, every person who does not retire when the change of purpose is made known, or such act is committed, except public officers and persons assisting them in attempting to disperse the assembly, is guilty of a misdemeanor.

*Refusing to Assist in Arresting Rioter—*

A person, present at the place of an unlawful assembly or riot, who, being commanded by a duly authorized public officer to act or aid in suppressing the riot, or in protecting persons or property, or in arresting a person guilty of or charged with participating in the unlawful assembly or riot, neglects or refuses to obey such command, is guilty of a misdemeanor.

**A Riotous Mob—**

What police tactics to use in handling a serious riot must be determined by the nature of the problem involved.

It should be remembered, however, that a riotous mob cannot be reasoned with; that it must be suppressed by force, and that the force must be well organized—swift, decisive, sufficient for the purpose, and lawful.

It should also be remembered that, although the use of extreme force, such as the taking of a



life of one engaged in a riot, does not involve legal responsibility to any great extent, yet it entails moral responsibilities. Therefore, the officer in command should not give the order to fire unless the condition warrants the use of extreme force, but he should not hesitate to order the use of the nightstick. Tear-gas bombs are also used effectively. They should be thrown to the edge of the mob on the up-wind side. It is a good policy to throw a smoke bomb before a gas bomb is used.

Whether the unit that is policing a riot is for the moment large or small, there is one man, and only one, in command. He may make mistakes, but it is certainly better that he should make them and have the men obey his orders, than that the men should try to correct his errors, if any, by acting in opposition to his orders. It is "up to him" to determine whether the situation warrants firing at the rioters.

He should, upon approaching the rioters, carefully view the situation and make assignments. If it be necessary for him to send a subordinate officer to a position where such officer would have to use his own initiative, he should instruct such officer relative to the conditions under which firing on the mob should be resorted to.

As a general rule, a subordinate officer in charge of a unit acting out of contact with the main body, should endeavor to carry out the commanding officer's wishes as to the use of firearms even under circumstances where his own judgment dictates contrary action.

*The Police Unit's Action When in Contact—*

An officer in command of a unit acting with and in contact with the main body, should not order the members of his command to fire on the mob, except when he has been given the authority to do so by the officer in command, except to kill or disable a member or members of the mob who are firing on his men, or who are in the act of throwing dangerous missiles at them, or who are in the act of committing any other felony and cannot be otherwise prevented.

The individual member of the command should not fire at the mob or a particular member of it, except under the following conditions:

(a) If ordered to do so by an officer having the authority.

(b) In self-defense.

(c) To arrest one who has committed a felony, if he cannot be arrested otherwise.

(d) To kill or disable an individual rioter who is in possession of a firearm and has fired, or is about to fire on the police, or on others, or who is in the act of throwing a dangerous missile.

Special effort should be made by every member of the command to identify and arrest the leaders, as a mob will not, as a rule, stick together without leadership.

The officer in authority, or any other officer, should not threaten to use extreme force unless he has the right to do so. Bluffing of this kind

causes the mob to assume that the officer concerned is weak-willed or cowardly. If it be necessary to fire, it should be directed at the heart of the mob, as usually many on its outskirts are mere spectators.

*Other Points on Handling a Riot—*

Don't let the jeers of the mob sympathizers rattle you. Verbal abuse of this kind does no harm, but may encourage the mob; therefore, such sympathizers should be dispersed. A few arrests usually have a salutary effect on such persons.

Clear the sidewalks in the vicinity of the riot, and also close up any places where rioters would be likely to congregate, such as liquor stores, poolrooms, etc.

Remember that surprise is of great value in attacking a mob. Strike swiftly and determinedly at an unexpected moment. Get to any place where the rioters are likely to attack, before they do, if practicable.

If in command, formulate your plan of attack before striking. Acquaint your subordinate officer with such plan and stick to it.

Maintain a reserve force, if practicable, during the attack, for use should the occasion arise. Keep in touch with such force and maintain communication with police headquarters, so that a larger force can be sent, if an emergency arises.

If the mob is not very deep, a frontal attack is usually the best. If it is deep, **attack** on its **flank**, or rear, or both sides. It is, as a rule, best not to

attack a mob on more than two sides, as the mob, not being able to escape, becomes ferocious.

Cover the roofs of the buildings in the vicinity of the riot with sufficient force to keep them clear of rioters and spectators.

### **Rioters in a Building—**

When the rioters who are in a building are not armed with firearms, the night stick or tear-gas bombs are the only weapons usually necessary to clear them out. But if armed with firearms and other dangerous weapons, the action should be along the following lines:

If the building is one of a row and entrance can be gained from the roof or fire escape of an adjoining house, this should be the plan of attack, as it is far better to fight downwards than upwards. If the entrance is to be made through an upper window from a fire escape, and rioters occupy the top floors, a few shots fired through the upper windows will usually clear the way for entrance of the police attacking.

Axes, battering rams, and scaling ladders are effective equipment in forcing entrance to buildings, and should be provided for the occasion. A few hand grenades or tear-gas bombs may be used to good purpose.

Sharpshooters should be stationed so as to command the windows of a house that is being attacked. If a house cannot be attacked from the roof, the attacking force, when approaching it, should keep close to the building line on the same side of the street, and keep under cover as much

as possible. The sharpshooters covering the windows should be on the alert to prevent those in the house from firing through the windows on the attacking force.

Small bags of gunpowder, nailed against the doors or windows and exploded, usually are sufficient to force entrance. If other means at hand are impracticable, a bullet fired into a lock will usually destroy it.

### Decision of the Higher Courts in Riots—

1. He who influences people's minds and induces them by violent means to accomplish an illegal object is himself a rioter, though he take no part in the riot.

2. Mere presence at the scene of a riot is not enough; one must have taken some active part.

3. The destruction of an unoccupied frame building by a crowd of young men and boys varying in number from eight to thirty, there being no evidence of intent to accomplish the destruction by violence and in spite of any resistance—it appearing on the contrary that, when a policeman approached, the crowd ran away—does not constitute the offenders guilty of a riot within the meaning of the law.

### NEW YORK STATE PENAL LAW ARTICLE 131 (Anti-Lynching Law)

#### §1390. Mob Defined—

Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of cor-

rection or punishment over any person shall constitute a mob within the meaning of this article.

### **§1391. Lynching Defined; Punishment—**

Any act or acts of violence committed by a mob on the body of a person in custody of any peace officer, or suspected of, charged with or convicted of the commission of any criminal offense, which act or acts result in the death of a person, shall constitute lynching; provided however, that lynching shall not be deemed to include violence occurring between members or groups of law breakers such as are commonly defined as gangsters or racketeers, nor violence occurring during the course of picketing or boycotting incidental to any labor dispute, and each and every person who is a member of a mob which commits such an act or acts of violence is guilty of lynching, and is punishable by imprisonment under an indeterminate sentence, the minimum of which shall be not less than twenty years and the maximum of which shall be for the offender's natural life.

### **§1392. Mob Violence Not Resulting in Death; Punishment—**

Each and every person composing a mob, which mob shall commit an assault upon any person in custody of any peace officer or suspected of, charged with or convicted of the commission of any criminal offense, not resulting in the death of such person, is guilty of a felony and is punishable by imprisonment for a term not exceeding ten years.

## **PARADES**

### **The Officers in General Command—**

Prior to a large parade, the commanding officer assigned to manage it should, in cooperation with the traffic division, take the following steps:

1. He should inform himself of the object of the parade; organization that is conducting it; number of persons likely to participate; where the various units will assemble; time the parade is to start; route it is to take; location of reviewing stand; and where units are to be dismissed.

2. Having obtained this information, he should estimate the number of patrolmen and superior officers that will be required to handle it, basing his estimate on—

(a) Whether the organization concerned had previously paraded over the same route, and the number of policemen which were then required to handle the situation.

(b) The number of street-car lines; bus lines; busy vehicular traffic streets; fire-run streets, or ambulance-run streets, which cross the line of the parade.

(c) Likelihood of large number of persons being attracted by the parade, and whether the object of the parade is likely to cause unusual excitement or disorder.

(d) Conditions along the line of parade requiring extra police, such as points where unusually large numbers are likely to congregate.

(e) Prominence of persons who are to be on the reviewing stand.

3. Having made this estimate, he should make a map of the route, and mark on it the places where the units are to assemble—the reviewing stand and other points where special police service will be necessary. Then he should from this

map make section maps, indicating on each such section map, the number of police of all ranks that will be required to cover each such section.

4. Next he should mark on each section map the posts of particular importance, and also a general outline of how the policemen assigned to cover the section should be distributed, and the place and time they are to assemble. This time should be in advance of the time that sightseers would be likely to line up on the sidewalk.

5. He should then see to it that the necessary number of policemen are ordered to report to the assembly place designated on each such section, at the time designated, and that an officer is assigned to command them.

6. He should, prior to the parade, see to it that each officer assigned to command a section is given a copy of his section map, and the names of the members of the force who are to be under his command.

NOTE—In this article, the term "section" is synonymous with "sector." A parade sector or section is the route of the parade between streets designated, and the railroad terminals and elevated and subway stations within one block on either side of the route of the parade, between such designated streets.

### **Duties of Officer in Command of a Section—**

He should:

1. Visit his section prior to the parade and familiarize himself with conditions thereat.

2. See to it that each important post is marked on his section map; also the portion of his section



that each sergeant or other superior officer under his command will be responsible for. Then he should make a roll call according to this plan.

3. Be at the place of assembly in ample time to call the roll, assign his men, and instruct them as to their duties.

4. After the roll call, give each of his superior officers a list of the men whom he is to have under his command and their posts, and direct him to post them.

5. Take measures to prevent pedestrians or vehicles from rushing after the parade as its end is passing over his section. It is best to maintain police lines until the sightseers disperse in an orderly manner.

6. Divert vehicular traffic when the head of the parade is yet several blocks away. Also, with the assistance of the traffic division, stop vehicular traffic from crossing the line of the approaching parade, in ample time.

7. After the parade has passed out of his section, unless otherwise ordered, assemble the men of his command; call the roll, and dismiss them.

### **Important Things to Be Done—**

The important things to be done at a parade are:

1. Not to permit sightseers to stand in the roadway, along the line of march, or obstruct street corners.

2. Keep a space open in rear of those "lined up" on the sidewalk watching the parade, so that

pedestrians can pass along the sidewalk in rear of them.

3. Station a policeman a block distant from the line of the parade, on fire- and ambulance-run streets, to shut off vehicular traffic, if necessary.

4. Do not unnecessarily delay vehicular or pedestrian traffic which desires to cross the line of the parade; in this respect, good judgment is the best guide to proper actions.

5. Keep space in front of reviewing stand, and the approaches to it, free from sightseers.

6. If persons assemble in any place along the line of march, in such large numbers that they are likely to obstruct the line of the parade, form police lines a block distant from the section and shut off dispensable pedestrian and vehicular traffic until conditions become normal.

7. If, at any place along the line of march, the sightseers are obstructing the parade, or are likely to do so, get reserves and correct the condition.

8. Give special protection to public institutions, buildings in course of construction, subway and elevated stations, which are on or near the line of march.

The officer in charge of the parade, and each officer in charge of an important section, should establish headquarters during the parade.

In New York City, during a parade, commanding officers are required to see that all cross-streets within one block on either side of the route—except those designated as *traffic streets*

—are kept clear of all vehicular traffic. Fire apparatus only is permitted on streets designated as *fire-run streets*; ambulances on streets designated as *ambulance-run streets*; and busses and surface cars on streets used by bus and street-car lines.

No unauthorized person is allowed to approach within 100 feet of the line of march on any of the cross-streets above specified, and no spectator along the line of march is allowed to stand within 25 feet of the corner of such a cross-street.

Prior to the arrival of a parade detail, the respective commanding officers of precincts along the route, formation, and dismissal of the parade see to it that no cars are parked thereon, nor within one block of the line of march when the parade is a large one.

## STRIKES

The police action that should be taken when a strike occurs, depends of course on the circumstances of that particular strike. Generally speaking, the following points, or most of them, apply to the average strike. When the commanding officer of a precinct is informed that a strike is in progress, he should:

1. Go to the scene of the strike; interview the person whom the strike is against, and obtain all information of police importance from him, as to the conditions.

2. Assure him that he will get proper police protection in conducting his business; advise him

not to employ thugs or gangsters as strike breakers, and if his employees are being interfered with, advise him to have them come to work, go to lunch, and leave for home in a body. Then see to it that they are protected by police during such times.

3. If his employees are being, or likely to be, molested at their homes, see to it that they get police protection there.

4. Protect any goods he may be transporting during transit, and if necessary assign a patrolman to ride on any vehicle in which such goods are being transported.

5. Establish a police post in front of premises, if necessary. Also advise the person concerned to put a watchman at the entrance of his place of business to prevent any suspicious person from entering it during strike.

6. Interview person conducting the strike, and warn him against employing thugs or gangsters to win the strike.

7. Inform him as to the rights of pickets, and the number that he should employ. In respect to the latter, he should be guided in his advice by the number of entrances to the premises, and the location of the strike.

8. Inform the members of his command as to the strike, and instruct them to pay particular attention to the premises where the strike exists and to the vehicles, if any, owned by the merchant concerned, while they are being driven through the precinct.

9. If strikers are likely to throw missiles from the roofs adjacent to the premises where the strike exists, establish posts on such roofs, for the purpose of preventing such unlawful acts.

10. Prevent all acts that are likely to lead to disorder and violence; take proper police action against any person who commits any act or uses any language that is offensive to public decency or otherwise unlawful; and prevent the assembly of crowds tending to intimidate or to obstruct the free passage to or from the premises where the strike is going on.

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## CHAPTER XVIII

### THE TECHNICAL LABORATORY IN CRIMINAL INVESTIGATION

**O**F course, it is not necessary for every policeman to be an expert in the scientific or highly technical branches of criminal investigation, such as ballistics, chemistry, police photography, micrography, toxicology, psychology, psychiatry, and medical science. Nevertheless, every policeman should know the nature of the assistance the technical laboratory experts are qualified to render, and he should know how to handle and safeguard all substances and objects which are to be submitted to technicians for examination or other action.

#### **Scientific Examination of Evidence and Persons—**

The following is an outline of the principal functions of scientists and other technicians in criminal investigation set forth in the short course of instruction which was given to peace officers in the University of Florida in 1937.

#### **BIOLOGICAL AND BOTANICAL EVIDENCE—**

1. Identification of Animal Substances: Hair, Insects, Parasites, Animals, and Bones.

2. **Identification of Vegetable Substances:** Flowers, Seeds, Pollens, Leaves, etc.

3. **Examination for Identification and Comparison of** Fibres, Linens, Cottons, Silks, Jutes. Wood Pulp, etc.

4. **Examination for Identification of Bacteria.**

## **CHEMICAL AND TOXICOLOGICAL EVIDENCE—**

### **1. General Chemical**

(a) Identification of All Unknown Chemical Substances

(b) Detection of Specific Substances

(c) Analysis of Explosives

### **2. Toxicological**

(a) Identification of Stomach Contents: Food Substances, Poisons, Foreign Bodies, etc.

(b) Identification of Bloods; Blood Grouping

(c) Examination of Miscellaneous Excretions: Urine, Seminal Fluid, Feces, etc.

## **DOCUMENTARY EVIDENCE—**

### **1. Writing Materials and Instruments**

(a) Paper and Features of Size, Quality, Perforation, Water Marks, etc.

(b) Ink: Type, Age, Relationship in Time to Folding of Papers, Other Writing

(c) Pencil: Type, Grade, Shade, etc.

(d) Typewriting

(e) Printing

### **2. Handwriting**

(a) Style of Writing (Age of Writer, Skill, General Characteristics to Indicate Trade or Training)

(b) Peculiarities of Forgeries

### **3. Sympathetic or Invisible Inks**

### **4. Codes: Development, Use, and Deciphering**

## **FIREARMS EVIDENCE—**

### **1. Rifling Marks**

### **2. Breech-Block Markings**

3. Firing-Pin Markings
4. Extractor Marks and Powder Burns

### **GEOLOGICAL AND METALLURGICAL EVIDENCE—**

1. Metal Dusts: Identification and Comparison
2. Earth Dusts: Identification and Comparison
3. Identification of Metals
4. Marks on Metals

### **MISCELLANEOUS EVIDENCE AND SPECIAL INSTRUMENTS—**

1. Color Tests: Use of Ultraviolet Ray
2. Spectrographical Analysis for Identification of Substance
3. Miscellaneous Tool Scratches
4. Miscellaneous Tracks

### **PHYSICS APPLIED TO EVIDENCE—**

1. Courses, Forces, and Effects of Projectiles and Missiles
2. Courses, Forces, and Effects of Explosives
3. Courses, Forces, and Effects of Electricity
4. Structure of Bombs
  - (a) Unexploded Bombs (X-ray)
  - (b) Exploded Bombs (Fragmentary Reconstruction)

### **MEDICAL EVIDENCE—**

1. Determination of Causes of Illness: Poison Cases, Drug Addictions, etc.
2. Determination of Cause of Death
3. Determination of Time of Death
4. Diagnosis of Disease, Physical Abnormalities, and Injuries—
  - (a) Venereal
  - (b) Deformities
  - (c) Other Diseases
  - (d) Defects of Sense Organs
  - (e) Injuries
  - (f) Abortions



**5. Diagnosis of Mental Disease**

- (a) Feeble-mindedness
- (b) Hysteria, Neurosis, and Other Borderline Psychopathia
- (c) Insanity

**6. Detection of Malingering****PSYCHOLOGY—****1. Behavior**

- (a) Modus Operandi
- (b) Motive
- (c) Emotionality
- (d) Mental Abnormalities (Insanity, etc.)
- (e) Drug Effects
- (f) Fatigue Effects
- (g) Inheritance and Environment as Basic Factors in Behavior

**2. Deception**

- (a) Defense Mechanism
- (b) Psychopathic Liars
- (c) Self-glorification (Inferiority)
- (d) Personal Material Gain

**3. Deception Tests**

- (a) Polygraph Tests
- (b) Association Tests
- (c) Drug Hypnotic Tests
  - (i) Sodium Amytol
  - (ii) Scopolamine Hydrobromide

**PERSONAL IDENTIFICATION—****1. Skin-Print Identification**

- (a) Development and Preservation of Photography of Latent Fingerprints
- (b) Classification of Fingerprints
  - (i) Henry System (Multiple Digits)
  - (ii) Single Fingerprints (Battley)

(c) Palm Prints, Bare-Foot Prints, Nose Prints

(d) Forgery of Prints and Skin Alteration

(i) Temporary

(ii) Permanent

**2. Body-Secretion Analysis for Identification and Comparison**

(a) Urine

(b) Saliva

(c) Perspiration

(d) Feces

**3. Blood Analysis for Identification and Comparison**

(a) Blood Tests (Differentiation Between Various Animals' Bloods)

(b) Blood Grouping

(c) Blood Analysis for Identification

(i) Bacterial Count

(ii) Red Blood-Corpuscle Count

(iii) Leucocyte Count

**4. Anthropometric Measurements (Bertillon)**

(a) Body Linear Measurements

(b) Body Weights

**5. Physiognomy**

(a) Identification by Facial Characteristics

(b) Photography and Classification of Facial Characteristics

**6. Body-Posture and Movement Characteristics**

(a) Posture While Standing

(b) Posture While Walking

(c) Posture While Running

(d) Movements of Body

(e) Movements of Hands and Fingers

(f) Movements of Head

(g) Movements of Legs

**7. Behavior Characteristics (Modus Operandi)**

(a) Methods Used in Entering Premises

(b) Methods Used in Committing Crime

(c) Characteristic Behavior-Signs Left Behind

(d) Methods Used in Committing Crimes Against Persons

(e) Methods Used in Communications

## **METHODS OF RECORDING, REPRODUCING AND PRESERVING EVIDENCE—**

### **1. Drawing**

(a) Detailed Scale Drawing of Crime Scene

(b) Maps of Localities

(c) Objects (Unremovable or Perishable)

### **2. Photography**

(a) Crime Scene

(b) Unremovable or Perishable Objects

(c) Individuals for Identification Purposes

(d) Small Objects for Enlargement Purposes

(e) Documents for Enlargement and Comparison

(f) Bullets, Shell Heads, etc., for Enlargement

(g) Micro-Objects or Marks for Enlargement, Identification and Comparison

(h) White-Light Invisible Substances, Using Ultra-violet, Infrared, X-Rays

### **3. Casting**

(a) Unremovable Objects, Micro-Markings, etc., e. g., Tool Marks

(b) Perishable Objects and Markings, e. g., Food with Teeth Marks, Tire Prints, and Footprints in Snow, Dust, or Mud

(c) Faces and Hands of Unidentified Bodies (Moulage)

(d) Wounds and Other Marks Which Will Later Heal

### **4. Preservation of Evidence**

(a) Fragile Evidence, e. g., Charred Papers, Old Documents, Broken Glass

(b) Biological Specimens, e. g., Insects, Plants, Pollen

(c) Pathological Specimens, e. g., Blood, Sera, Stomach Contents, etc.

## MATTER TO BE SUBMITTED TO TECHNICAL LABORATORY

It is often the little things that count most in the solution of a puzzling crime. A few human hairs under the fingernails of the victim of a homicide may supply positive proof of the identity of the perpetrator; a few grains of arsenic in a glass may solve a murder by poisoning; fibres of cloth on a window entered by a burglar may match a suspect's garments; dirt on a suspect's shoes may be identical with dirt at the crime scene, and so on. Hence the careful investigator of a crime does not overlook anything which has possible evidential value.

All matter which has value as evidence in serious cases and which cannot otherwise be positively identified should be analyzed. The officer who first took possession of the matter should, if practical, bring it himself to the analyst, as this reduces to a minimum the number of witnesses who will have to be examined relative to it in subsequent legal proceedings. A receipt should be given and kept when such matter passes from one official to another, and a record of the transaction made.

When the analysis of a sample of matter has been completed in the laboratory, the officer who brought it there should call for it, and at the same time get a certificate of result of analysis to be presented at the examination of the case in court or for file record. Further disposition of

such evidence should be in accordance with police regulations.

Records of receipts and disposals must be complete; otherwise such evidence may not be admitted in court.

As a rule, the record made by the finder of such evidence, and the label attached to any container in which it may be placed should set forth its description, exact place where found, date and time found, officer's name and shield number, and other pertinent facts. The officer concerned should, if possible, place a private mark on this evidence, as also on its container.

If the matter is to pass out of his hands before it is delivered to the expert—as, for instance, if it is to be sent by mail or express—he should seal the container. The seal should bear the thumb print or other peculiar mark of the sender. The receiver should hold the seal, after making a record of it, until the case is disposed of.

Any matter that is to be submitted to an analyst should be protected from extraneous matter. Therefore, the hands of the officer handling it should be perfectly clean, as should any vessel or other container in which the matter is put.

The analyst should receive full information of the facts of the case and be told the object of the analysis. If he is required to compare the matter with some other matter, a sample of the other matter should also be submitted, generally speaking, if possible. For instance, if bloodstains have been found on a suspect's clothing and the object of the analysis is to determine whether it

is his or the victim's blood, known samples of both should be submitted, if legally possible.

### **Handling Different Kinds of Evidence—**

Matter to be sent to the analyst should be handled in accordance with the regulations of the police department concerned; but, in general, it should be handled as follows:

1. **Dust in Pockets**—Empty each pocket on a large sheet of white paper; fold each sheet, then mark on it the particular garment and pocket that the contents came from. Place all the sheets in a proper container, label the container, then forward to the analyst.

2. **Matter on Garment**—Empty the pockets of the garment, mark or label it, pack it carefully in a large, clean paper bag, label the bag, and deliver as is; or place it in a box and forward.

Occasionally it is not practical to send the garment to the laboratory, but it is necessary to obtain a sample of dust from it. In such a case, the pockets should be emptied and the garment then placed in an absolutely clean bag, which should be beaten until a sample is obtained. Then the article should be removed from the bag and the sample forwarded to the laboratory—preferably in the bag.

3. **Matter on Weapon, etc.**—Place a scratch-mark and tag on the article, handle it carefully, pack it securely in a container, label container, and forward.

4. **Hair**—Handle with the fingers if practicable. Otherwise handle with two pieces of wood, such

as toothpicks or matches. Place on clean white paper, then fold and mark paper.

Do not fold hair. If it is too long, roll it on your finger and place it in the paper in a coil.

Do not dislodge any dirt or other matter adhering to hair.

When taking hair from a person's head for comparison, pull it out, preferably with the fingers, otherwise with a forceps.

**5. Grain, Soil, Powders, Sputum, Cigar Ashes, etc.**—When such matter is taken from a crime scene for comparison and analysis, it should be placed in clean glass vials, properly labeled. Each sample should, of course, be put in a separate vial, and the exact place where it was found marked thereon.

**6. Tissue**—Place on glass slides, put slide in container, and forward exactly as found. If tissue is adhering to some other article, forward that article without removing the tissue, if practicable. Otherwise, remove the tissue with a clean, sharp knife and then place it on the glass slide. When feasible, handle with the fingers instead of with instruments.

**7. Fingernail Scrapings**—Place the hand from which the scrapings are to be taken over a large sheet of clean white paper. Remove the scrapings from under the fingernails with an instrument that is absolutely clean, and let them fall on the paper. Then fold the paper, mark it, and place it in a container. It is sometimes advisable to use a separate sheet of paper for each finger; but at

least a separate sheet should be used for the scrapings of each hand.

8. **Liquids**—Usually, liquids are found in bottles or other containers. They should not, as a rule, be removed therefrom. Instead, the container should be labeled, marked, sealed and forwarded.

If it is necessary to take a sample of a liquid which, for instance, has been spilled on the floor, it should be soaked up with a new, clean sponge, a new white blotter, or an absolutely clean cloth, which should be placed in a watertight container. You should not wipe up a sample of liquid, as extraneous matter is likely to get mixed with it.

9. **Fibres**—Handle fibres as little as possible, and preferably with the fingers. Place them in dry glass vials, or wrap them in a clean white paper. Seal the container.

10. **Metals**—Small pieces of metal—other than filings—should be placed in a small box, on a cushion of cotton, then covered with more cotton. If cotton is not at hand, cloth or some other soft substance may be used. If more than one piece is put into the box, each piece should be kept apart therein.

Metal filings should be put into a vial.

A large piece of metal—such as an iron bar, a burglar's tool, a safe door, etc., should be carefully packed.

If there is any stain, mark, adhering matter, fingerprint, or anything else that has value as evidence on a piece of metal, the part of the metal bearing such evidence should be protected from contact with the container or any other ob-



ject. One way of doing this is to put the metal in a wooden frame in the container. Another way is to wrap several layers of cloth around the metal at each side of the stain, place a piece of wood over the cloth and tie it in place, then wrap several sheets of paper around the wood and cloth.

11. **Pistols**—Tie a pistol to a piece of wood or strong cardboard with a cord threaded through holes made in the board. Then place in a container.

The same thing is to be done, as a rule, with other weapons.

12. **Glasses**—Place a glass between two squares of wood surrounded by pegs. Tie the two squares tightly together.

13. **Bottles**—Place a bottle in a crate made of wood. The top and bottom squares should have grooves to hold the bottle in place.

NOTE—See Problem 10 in regard to documents.

## ILLUSTRATIVE CASES FROM CRIME ANNALS

Some time ago, two flat pieces of metal—one of which had been used as a trigger to explode a bomb and the other used on a gas engine on the farm of a suspect—were examined by a method known as metalography. The technician polished the ends of both specimens until all scratches were removed. Then he applied etching fluid to the surfaces and revealed their true crystal structure. Next he washed off the fluid, dried the

specimens in a hot-air blast, and examined them with a comparison microscope. He found that both pieces had identical crystal structure, and this evidence helped to convict the culprit.

In another case, the nude, putrid body of the victim of a homicide was found, and identification by sight was impossible. Some hairs which were known to be those of a missing woman were compared with some taken from the corpse and found to be identical. This fact aided in establishing the corpus delicti, and the perpetrator of the crime was found.

A knife found on a person who was supposed to have used it to cut telephone wires in the commission of a crime was examined at the FBI laboratory with a spectrograph. The technician found tiny particles of copper on the knife-blade and compared them with a specimen of the wire that had been cut. The specimens were identical, evidence of which fact helped to convict the accused.

CAUTION—When bombs or other dangerous explosives to be analyzed are found, they should be handled by an expert, as a rule. Tight glass stoppers should be used on bottles containing strong acid or alkali. A container should be concealed wherever there is the slightest occasion for it.

NOTE—The principle of the *spectrograph* is that everything burns with a distinctive color. For instance, copper produces a greenish flame. It is possible to determine with the spectrograph whether samples of soil or metal have a common source, and whether materials match.

## CHAPTER XIX

### CARE AND USE OF REVOLVER AND PISTOL

**T**HE policeman who carries an unserviceable gun is neither doing justice to himself nor to those whom he is paid to protect. But even when a policeman's gun is fit for use, he jeopardizes his life and reputation and endangers innocent persons unless he is at least a fair shot. Bad shooting by policemen sometimes enables a fleeing criminal to make his escape, and occasionally causes the death or injury of innocent persons.

#### ADVICE ON CARE AND USE OF GUN

1. Never leave your gun lying about carelessly, especially when loaded. Some foolish person may injure himself or others by handling it, or some evil-minded person might take it for use. In either event you would have to bear the responsibility.

2. Consider every gun to be loaded until you have positive proof that it is empty.

3. Never point a gun at a person unless you have the lawful right to discharge it at him, and

never point it in any direction which would matter if it went off accidentally.

4. Never discharge a gun at a person unless you have the lawful right to kill him. Do not shoot to kill, if there is a reasonable alternative.

5. If practical, take cover, or shoot from the prone position when in a gun battle with a criminal, provided you can do so without flinching from your duty.

6. When pursuing a fleeing criminal set yourself for an instant and take aim before you fire at him.

7. Get every advantage you can over a person who is about to fire at you. Be first to draw, first to fire; and do not give any unnecessary warning of your intentions.

8. Always thoroughly frisk a person whom you suspect of being armed. Stand behind him, preferably, while doing so. Remember that some criminals carry more than one gun—and that the gun may be carried in a shoulder strap under the arm; in the waistband; down the trouser leg; in the stocking or boot. A gun is occasionally carried in the sleeve, by attaching it to a cord so arranged that if you order the carrier to “throw up his hands” the gun is carried up to his shoulder, and drops back to his hand when the arm is put down.

9. Do not use your gun to summon assistance except in an emergency. In so doing do not fire up in the air or at something from which the bullet might ricochet, particularly where there are other persons. In the first instance, the bullet in

its descent might land on someone's head, or damage someone's property. In the second case it may ricochet with almost as much force as when discharged and likewise cause injury or damage.

10. Carry the make of gun specified by your department, and if none is specified, carry a first class gun.

11. Inspect the mechanism of your gun frequently to see if it is in serviceable condition, particularly the cylinder and cocking piece.

### Keeping Gun Clean—

Keep your gun perfectly cleaned and oiled with a light free oil that will not gum. Be particular to clean it as soon after use as possible, as powder fouling corrodes the piece. This fouling is of two kinds—one a black deposit caused by the burning powder, and the other a metal deposit caused by particles of the bullet's metal surface. Clean gun with a cleaning rod and soft rags about an inch square, in the following manner:

1. First remove the powder fouling by saturating the rags with a good powder solvent. After its removal use clean rags to dry out the breech and barrel.

2. Next remove the metallic fouling by saturating the rags with an ammonia solution.

3. Then wipe out the barrel with a light oil (preferably 3 in One); also the stock and visible working parts.

4. Prepare the gun for service by wiping the oil out of the barrel and from the stock, but leave the chamber and working parts slightly oiled.

## **How to Become Proficient in Use of Revolver or Pistol—**

The best way is, of course, to practice on a pistol range under competent instructors; but you can accomplish much with an *unloaded* revolver that will aid you when you are in actual combat with criminals, by the following method:

Set up a small target in your home or other convenient place—a home-made one will suffice.

### *Dry Shooting—*

1st Step—Draw your revolver rapidly from your holster on belt, push it outward and upward quickly and point it at the bull's-eye as if you were pointing your index finger. The speed is increased by throwing the shoulder upward and forward as the gun is drawn. If, when you start this practice, you find that a quick draw causes you to fumble, decrease the speed of your draw until practice makes you more proficient.

2nd Step—Draw, point at bull's-eye, cock the hammer, and align the sights quickly. When a fair degree of expertness in this step has been acquired, the hammer may be cocked and the forefinger inserted in the trigger guard just as the arm is reaching the aiming position; but the finger should not be placed on the trigger until ready to fire. (Remember that you should never cock the hammer or place your finger in the trigger guard while running.)

3rd Step—Repeat the previous steps and add to them by snapping the trigger. After each try

observe whether you pulled the gun up or down or canted it, and where your shot would probably have gone.

4th Step—Repeat the previous steps and without lowering the revolver from the aiming position, discharge all the chambers rapidly, using single action. After the chambers have been discharged, simulate loading and then continue the practice. Occasionally vary this step by discharging all chambers rapidly, using single and double action alternately. Double action should not be used in actual combat with a criminal, except in emergency, at very close range, when there is no chance of missing.

NOTE—You should also practice these steps by standing in front of a mirror and aiming at your image in its glass, also by drawing your revolver from your pocket.

### *Shooting Technique—*

*Aiming Position*—A good position is to stand firmly on both feet, the feet about 15 inches apart, body perfectly balanced and erect, and turned at the angle that is most comfortable to you while your arm is extended towards the target. The barrel, the hand, and the forearm should be as nearly in one line as possible while the gun is held in the aiming position; but the arm should not be locked at the elbow.

*How to Grasp Revolver*—There are several grips. The natural way to shoot is to grasp the grip of the revolver with the whole hand, using the index finger to press the trigger. It is grasped with the thumb and last three fingers. The index

finger is held outside the trigger guard until ready to fire. The grasp should be firm but not so tight as to cause tremors in hand or arm.

The following is a slight variation of the grip just described:

Grasp the frame of the revolver with the right hand, between the thumb and opposite part of forefinger near third joint, as in the jaws of a pair of pliers. Close the three lower fingers on the stock. The thumb is laid along the top of the frame above the latch, and it should not be pressed downward as the shot is fired.

*How to Cock Revolver*—A popular way is to place the thumb on top of hammer and pull the hammer to the rear until it reaches the cocked position. Place thumb on left side of frame. Keep forefinger outside of trigger guard until ready to discharge piece.

*How to Align the Sights*—When firing at a target the front sight should be seen just filling the rear sight as to height, and the light evenly distributed on each side of the front sight in the rear notch. The sights should be lined at the base of the bull's-eye at a point below its center, with a streak of light between the tip of the front sight and the bull's-eye. This is called a 6 o'clock sight.

*How to Snap the Trigger*—Having aligned the sights, place your right forefinger at or near the crease of the first joint on the trigger. Pull the trigger straight to the rear with a uniformly increasing pressure. Hold the pressure each time the muzzle swerves, and resume the pressure each



time the sights are again aligned until the shot goes off; or exert an even pressure on each side of revolver and squeeze the trigger straight back with a slow, steady pressure.

*How to Breathe While Aiming*—Before aiming take a full breath, then release a portion of it, and hold a comfortable breath until the shot is fired.

*Firing at a Criminal*—

If you are firing at a criminal while you are standing on the running board of a moving automobile, bend your legs at the knees, so as to take the sway of the car below the knees; also take the vibration below the knees when shooting from a motorcycle or horse.

If you have your revolver in your hand while running after a fleeing criminal, carry it with muzzle pointed toward him, your elbow close to your side and your forearm horizontal. If after setting yourself to fire at him you find that your gun hand is trembling, steady it in the aiming position by holding it firmly in the palm of the other hand. The thumb of the outside hand should be over the thumb of the hand holding the revolver, and its little finger just under the trigger guard.

### **POINTS TO BE REMEMBERED WHEN TESTIFYING IN COURT**

1. A pistol is not a revolver.
2. An automatic pistol is one that loads itself from the magazine, after each discharge.

3. A revolver is a weapon in which the cylinder revolves when the piece is discharged. So do not say revolver when you mean pistol, or vice versa.

4. A cartridge consists of the cartridge shell and bullet. Therefore, you should not say cartridge in describing an empty cartridge shell, or a discharged bullet.

5. The trigger is the latch which releases the hammer—so do not say he had his finger on the trigger when you mean that he had it on the hammer or trigger guard.

## CHAPTER XX

### FIRST AID TO SICK OR INJURED PERSONS

WHEN, in the performance of your duty, your attention is called to a sick or injured person who requires medical aid and the condition warrants it or may possibly warrant it, send for an ambulance. In emergency cases where it is impractical to await the arrival of an ambulance, it is sometimes best to rush the patient to a hospital in the most available vehicle.

When a patient is suffering from suffocation, an inhalator as well as an ambulance should be sent for. The patient should not be removed from the place of the occurrence until he has received medical attention.

Pending the arrival of an ambulance or other medical attention, you should render first aid if the patient needs it. When rendering first aid, do not endeavor to do too much, and do nothing for the mere sake of doing something. Act only if you know what should be done and thereby avoid the chance of doing harm.

Before commencing to render first aid, find out all you can from the patient and witnesses as to what caused his condition. Do not get excited

while aiding a sufferer. Think only of how you may help him, and forget yourself and how your acts may appear to others. Do not hurry.

In every case make the sufferer as comfortable as possible by laying him down, loosening his clothing; raising or lowering his head, and keeping inquisitive busybodies from bothering him.

It would be an advantage to you to have a through knowledge of first aid treatment; but it is necessary for you to know enough about it to render it at least in cases which are of common occurrence. Following are a number of such cases:

## FRACTURES

### Fractured Limb—

Let the patient lie down in a comfortable position; if necessary, remove the clothing from the injured part by cutting it with a sharp scissors. Support the limb in its correct position. If it be necessary to remove the patient from where he was injured before medical attention arrives, put an improvised splint on the limb before doing so. You can make a splint with anything that will keep the bone in position for a time, such as thin boards, barrel staves, rolled paper, etc.

You might, for instance, make one in this way: Take two pieces of thin board as wide as the limb is thick, and long enough to extend beyond the joints above and below the fracture. Cover one side of each board with a soft pad made of cotton batting, folds of soft cloth or the like. In a thigh

fracture the splint should be long enough to reach from the armpit to the foot on the outside, and from the crotch to the foot on the inside.

Place the splints one on each side of limb. Tie the splints with adhesive tape, a handkerchief, or anything else handy to your hand, in such a manner as to keep the broken ends of the bone immovable; move the patient on a stretcher—any kind of a stretcher will answer the purpose, such as a door, cot, etc.

Fractures are of two kinds—simple and compound. In a compound fracture the skin is broken. The skin is not broken in a simple fracture, but if the patient with a simple fracture is not carefully handled, a compound fracture may be the result.

### **Fracture of the Skull—**

There may not be any wound, but if the fracture is at the base of the skull, there is usually bleeding from the ears. Place the patient in a dark, quiet room, lying on his back, his head slightly raised, and keep a cold, wet cloth on his head. Do not give him a stimulant.

## **HEMORRHAGE OR BLEEDING FROM WOUNDS**

In the average simple wound where only a small blood vessel is wounded, the blood will, as a rule, coagulate of itself and the bleeding will stop in a short time. It is wrong to keep wiping or bathing such a wound, as this keeps the blood from

forming a clot. So in such a case, simply place a small clean compress over the wound.

When the bleeding is violent and does not stop, it indicates that a large blood vessel, vein, or artery has been wounded. If in such a case the wound is external, let the patient lie down, then cut away or remove the clothing so as to expose the wound fully, and raise the part wounded as high as possible. This will usually check the bleeding if the vessel wounded is a small one or a vein. If the bleeding does not stop, make a compress of sterile gauze, absorbent cotton, or any clean cloth, into a thick pad which is larger than the wound and bind it on tightly with a bandage of any kind. Then if the bleeding does not stop in a short time, apply another compress over the first one, and bind it still more tightly.

If the wound is in a limb and continues to bleed freely with no signs of stopping, apply a tourniquet. The way to apply a tourniquet for arterial bleeding is to take a handkerchief, towel, piece of any strong cloth, or something similar, and wind it loosely around the limb, between the wound and the body; then tie the ends together and place a small wad of cloth or anything similar, between the bandage and the skin over the seat of the main artery of the limb. Next put rod of any kind under the bandage on the other side of the limb. Twist the bandage with the rod until the pressure of the wad causes the bleeding to stop. After the tourniquet is on for some time, loosen it slowly for a moment, and again twist it tight, if

the bleeding has not stopped. Occasionally repeat.

For a wound in the leg or thigh, apply the tourniquet to the upper end of the thigh, with the wad one inch below the center of the crease in the groin. If the wound is in the arm or hand, apply the tourniquet to the upper arm, above the wound, with the wad on the inner side of the arm. If you cannot remember the position of the artery, apply the tourniquet without the wad. If the bleeding is from a vein, apply the tourniquet on the side of the wound farthest from the heart.

### **Hemorrhage of Lungs or Stomach—**

Let the patient lie down in some quiet, cool place; give him small pieces of ice to swallow.

Wash your hands thoroughly before touching a wound, and do not place anything on it that is not very clean.

## **SUFFOCATION**

Artificial respiration is the treatment most effective in restoring persons who are suffocating from the effects of drowning, smoke, illuminating or other poisonous gas, or being hanged or choked.

An inhalator is the best method of applying artificial respiration. The policeman handling the case should immediately send for an ambulance and inhalator. He should forthwith remove the patient from the source of his suffocation, but not from the scene of the occurrence, and then make the patient comfortable by removing all clothing that is around his neck.

The next move in drowning, and in most all

other cases of suffocation, is to try to cause natural respiration. This may be done by slapping the patient several times on the chest with the palm of the hand, dashing cold water on the face and chest, tickling the nose with a feather, etc. If the patient does not respond in a few seconds, commence artificial respiration. One method is the following:

### **The Schaefer Method—**

Lay the patient on his belly, one arm extended directly overhead, the other arm bent at the elbow and the face turned outward and resting on hand or forearm, so that the nose and mouth are free for breathing.

Kneel straddling the patient's thighs, with your knees placed at such a distance from the hip-bones as will allow you to place the palms of the hands on the small of the back with fingers resting on the ribs, the little finger just touching the lowest rib, with the thumb and fingers in a natural position and the tips of the fingers just out of sight.

With arms held straight, swing forward slowly, so that the weight of your body is gradually brought to bear upon the patient. The shoulder should be directly over the heel of the hand at the end of the forward swing. Do not bend your elbows. This operation should take about two seconds.

Now, immediately swing backward, so as to remove the pressure completely. After two seconds, swing forward again. Repeat twelve to fifteen



times a minute the double movement of pressing and letting go, making a complete respiration — drawing in and letting out of the breath—in four or five seconds.

Continue without interruption until patient breathes naturally; if necessary, four hours or longer, or until a physician declares the patient is dead.

As soon as this artificial respiration has been started and while it is being continued, an assistant should loosen any tight clothing about the patient's neck, chest, or waist. Keep the patient warm. Do not give any liquids whatever by mouth until the patient is fully conscious.

To avoid strain on the heart when the patient revives, he should be kept lying down and not allowed to stand or sit up. If the doctor has not arrived by the time the patient has revived, he should be given some stimulant, such as one teaspoonful of aromatic spirits of ammonia in a small glass of water, or a hot drink of coffee or tea. He should be kept warm.

The idea of artificial respiration is to pump air into the lungs until they resume their natural functions.

If you use the Schaefer method of artificial respiration, the patient is turned on his face while it is being applied, so it is not necessary for you to hold his tongue out.

## EPILEPSY

Usually the patient, if left alone, will recover from his fit in a short time. Let the patient lie down, and prevent him from injuring himself. If there is danger of his biting his tongue, put a cork between the teeth.

## POISONING

The first thing to do is to dilute the poison in the patient's stomach, and to empty his stomach by causing him to vomit. Therefore, give him plenty of something to drink that will accomplish that purpose, by nauseating him—soapy water, dish water, lukewarm water or anything else at hand will do if it makes him vomit. After filling him up with such fluid, give him a tablespoonful of dry mustard in a glass of water. If this does not start him vomiting, put your finger down his throat and keep it there until he vomits. While doing this put something between his teeth so that he does not bite you. If he has taken an irritant poison, give him something with the emetic that will protect the walls of his stomach from injury, such as milk, eggs, sweet oil. If he has taken carbolic acid give him a small glass of whisky or brandy, and do not give him oil.

## DOG BITES

Generally speaking, a dog bite should be treated the same as any other lacerated wound. But if there be the least suspicion that a dog has rabies,

get medical attention for the patient forthwith. In such a case, see to it that the dog is held for examination, to ascertain if he has rabies. This takes about ten days.

## BURNS

Cover slight burns with a clean cloth, wet with a warm solution of washing or baking soda. In serious burns use a similar dressing, but keep the burn warm and exclude the air by covering with cotton lightly bandaged.

If a person's clothing is on fire, wrap a woollen blanket, rug, or the like, around him; lay him on the floor, and roll him until the flames are smothered. Then remove the burned clothing, but do not remove any that may be adhering to the flesh.

## ELECTRIC SHOCK

When a person has been shocked by a live wire, rail, etc., and is in contact with it, do not touch his bare skin with your hand until you have broken the contact. Turn off current if possible. Otherwise stand on a dry board, protect your hands with gloves, folds of cloth, or the like. Then grasp a dry part of his clothing and pull him away. Or throw the loop of a rope, a belt, etc., over one of his limbs and pull him clear. Immediately commence artificial respiration if he is unconscious.

## DON'T JUMP AT CONCLUSIONS

Policemen should remember that a person may appear to be dead who is suffering from syncope, catalepsy, or partial asphyxia. When a doctor is in doubt he usually makes one of the following tests:

1. He listens for the apex of the heart-beat and feels the carotid arteries—located in the neck. He also feels the pulse.

2. He ties a string tightly around the finger, and, if it causes skin swelling or discoloration, life is not extinct.

3. He presses the fingernail, and if the skin beneath the nail turns white under the pressure and becomes pink when the pressure is released, the person is not dead. Death is indicated when the skin remains white after the pressure is removed.

4. He listens with a stethoscope for sounds of breathing.

5. He holds a clean mirror to the nose and mouth of the person. Moisture on the mirror from the person's breath indicates life; no moisture, death.

6. He touches the whites of the eyes. If there is no reaction, and the eyes are dim, lustrous, and somewhat glazed, death is indicated.

## CHAPTER XXI

### PROMOTION

THE efficiency of a police force depends upon the energy of the individuals comprising it. The root of that energy is emulation, which can only be secured by maintaining a proper current of promotion. Consequently, the efficiency of a police force largely depends upon the system of promotion adopted.

The holding of a competitive civil service examination for promotion is the system that has been adopted in most police departments.

This system is a good one and would be ideal if it were possible to give full credit in an examination to the policeman who has shown his ability by previous honest, skillful, and continuous good police work.

Many excellent policemen, after handling a difficult police case, ninety percent perfect, would not be able in a civil service examination to write a fifty percent answer as to how they handled it.

Many theoretical policemen are not able to apply their theory when handling difficult police cases, yet in a competitive civil service examination are able to write perfect answers.

Many brave policemen spend their whole lifetime in police work, without having the opportunity to gain an award for personal bravery. Indeed the display of physical courage at risk of life is so common in police work that only acts of an extraordinarily hazardous nature receive official or public recognition.

Taking all these things into consideration, it is evident that an element of chance enters into the race for promotion, even in departments where the civil service system prevails, and that there are many ambitious and excellent policemen who fail to win promotion. But, nevertheless, civil service is the best system that has been found, and the majority of the men who are promoted under it are those who have mastered the theory and practice of police work.

This being so, a policeman owes it to himself to endeavor to win promotion by doing his duty well, and by endeavoring to learn all he can about the theory and practice of his profession. Even though this does not bring him promotion to higher rank, it will usually gain him the respect of his superiors and the public, and put him in line for desirable assignments or details.

Study should be a pleasurable habit, not a hardship. A policeman who devotes about one hour each day to intelligent study of his profession will in the course of time become a master of it, and when an examination for promotion takes place, he will be prepared.

Some policemen are too lazy to study persis-

tently. They enter examinations, hoping that the "God of Chance" will favor them; and when he does not, they often alibi their failure by hollering "crooked examinations."

Other policemen make study a hardship, by studying feverishly every day for months and years, before an examination. Consequently, when an examination takes place, they are tense, over-anxious and nervous, and fail to do themselves justice.

## PREPARING FOR AN EXAMINATION

### How to Study—

1. Remember that almost every condition upon which civil service questions can be based, is of daily occurrence in the performance of police duty: Criminals do commit crime; places are kept where the law is habitually violated; people do assemble and they are sometimes disorderly. Street conditions have to be regulated, and policemen sometimes fail to perform their duties; new laws and police regulations are made to meet changing conditions, etc. Policemen are required to take proper action to meet all such police conditions. Observe, therefore, the things relating to your job that go on about you. Store the knowledge acquired in your mind, in such a way that you are able to recall it when participating in a promotion examination, or actually performing police duty.

2. You must be able to express yourself in writing in order to make a good showing in a writ-

ten examination. The art of writing clearly, concisely, rapidly, and with a fair degree of grammatical correctness can be acquired only by persistent practice. You should not be satisfied with your ability, in this respect, until you are able to make reports and records in which—

(a) The idea you intend to express is clearly conveyed.

(b) The thought is completed in the sentence.

(c) The subject matter is adhered to throughout.

(d) The statements are coherent.

(e) The subject matter is properly organized.

(f) Capitals are properly used.

(g) Paragraphs begin and end properly.

### *A Routine for Promotional Study—*

The following method will aid you in gathering police knowledge and recalling it when necessary; it will also improve your diction:

1. Read standard books pertaining to the penal laws, and to police work generally.

2. Attend, if practicable, a good promotion school; it will enable you to see the other fellow's point of view.

3. Map out a course of study, and be persistent in following it.

4. Make it a practice to record the essential points of the matter you study, and if it be a po-



lice regulation, or a change in law or ordinance, note the apparent reasons for its promulgation.

5. Keep a ledger, and set apart in it, properly apportioned, a page or pages for each crime or condition that is common in police work, such as burglary, larceny, robbery, assault, licensed places and persons, gambling, prostitution, street conditions, traffic regulations, disorderly children and persons, strikes, public assemblies, etc.

6. Enter on the top of the page the essential points of the law on the crime or condition covered in the page. Next enter the methods usually used by violators of such laws.

7. Next enter the established police procedure in enforcing such laws, or preventing a violation or in handling such a condition. In this respect, be particular to record the respective duties of each rank, particularly up to a few higher ranks than the one you hold.

8. Record new and important information as you gather it, and with this object be particular to observe and record the latest methods used by criminals and by skillful policemen in combating them.

9. Use tobacco, coffee, or other stimulants moderately, if at all, and get plenty of sleep during several weeks prior to an examination.

## THE PROMOTIONAL EXAMINATION

### Advice to Candidate—

1. Allow yourself ample time to go to the examination room, without hurrying, and have with

you plenty of pens and pencils of the kind you are accustomed to using. If you intend to use a fountain pen, test it beforehand.

2. On entering the examination room, take a seat where there is plenty of light, if possible.

3. Listen attentively to the instructions that are usually given by the person in charge of the examination, and follow such instructions literally. If you are doubtful as to their meaning, make that fact known to a monitor.

4. On receiving your question paper, read the questions over slowly and carefully, and do not get excited or lose confidence because you find one that may be difficult for you to answer. You may be sure that the other competitors are having like trouble and difficulty. You could miss a whole question on a five-question subject and yet receive eighty percent on that subject, provided your answer to the other four was perfect.

5. Analyze each question, before you attempt to answer it, and be sure that you see all its sides and angles. If you are in doubt of the meaning of the question, it is a good plan to begin the answer by setting forth its meaning as you understand it. But if the question is very ambiguous, and you have sufficient time, it is best to also answer in the alternative.

NOTE—If the questions are in the form of those in Problem 16, and you find any question that puzzles you, go on to the next question that you can readily answer, and after you have reached the end of the list of questions, go back and cover the questions that you had left unanswered, answering them to the best of your ability.

6. When answering a question, stick to the question, and thereby save time and display intelligence; for example if you were asked the question—

“You are a sergeant on patrol in a territory where peddlers congregate. What instructions would you give the men under you, in order to keep the streets clean?” The point for you to answer would be what you yourself would do. As to the peddlers, leave them there!

7. Allow yourself some time for review of all questions. Place your watch on the desk, so that you may be reminded when your time is up. This is important because you may spend too much time on some question that suits your fancy, and find that you have not sufficient time to answer the others.

8. If you have time, it is well to note the points of a question on scratch paper before you answer it. But this may have the same result as spending too much time on a question; therefore, don't do it unless you are sure that you have ample time.

9. If the time you have allowed yourself for answering a question is up, before you have put the “finishing touches” to your answer, go on to the next question and finish the uncovered points on review.

10. Keep your answer papers on your desk in numerical order and don't get them mixed up with other papers.

11. Commence the answer to each question preferably on a new page, so that you will have

space to add additional points on review. The monitor will usually give you all the answer paper you need.

12. When confronted with a question and you do not know the answer, keep in mind that all laws and rules are based on common sense, and that you will receive no credit for an unanswered question, so make the best answer possible.

13. If, on writing an answer, you find it not correct, cross out the erroneous matter rather than lose time by rewriting the whole page.

14. When you have covered all the questions, turn to your first question, review your answer, adding any additional points that come to your mind. Do likewise with every other question.

15. Remember that you have been waiting a long time for the opportunity to compete, so do not leave the examination room until your time is up. An extra five minutes, reviewing your papers, may be the cause of realizing your ambition for promotion.

16. When you leave the examination room for lunch, do not discuss the answers you made with your competitors. If they should point out your mistakes, you may become discouraged, and it is then too late to rectify errors.

17. If at any time during an examination an occurrence or condition should arise which prevents you from having an equal chance with your competitors, call the attention of a monitor to it, immediately, and obtain the name of the person to whom you have made the complaint.

## Report Making—

The making of a report on some subject pertaining to police work, is, as a rule, part of a civil service examination for promotion.

The object is to test the candidate's knowledge of the subject matter and his ability to express that knowledge in writing.

The construction of a report should be in the following order:

- (a) Heading: New York, N. Y. May 1, 1939.
- (b) Salutation.
- (c) Body of the report; a discussion of the facts.
- (d) Conclusion based on a discussion of the facts.
- (e) Expression of opinion, if the subject calls for it.
- (f) Complimentary close.
- (g) Signature.

The quality and quantity of the matter contained in the report is the most important part of all, but it must be well organized in order to receive full credit.

## *Advice in Making a Report—*

1. Read the questions on the report carefully to ascertain what is required.

2. Jot down on scratch paper the points you are going to cover in the body of your report. Be sure to stick to the subject of the report when doing this.

3. Arrange these points in sequence.

4. Write a paragraph or so on each point, keep in mind that each is a unit of the whole.

5. Read over the body of the report, and from the facts discussed in it, jot down, on scratch paper, points for your conclusion and for the expression of your opinion, if that be required. Keep in mind that your conclusion or opinion must be based on the facts previously discussed.

6. Close properly.

7. Sign as directed in the question.

8. Don't use slang, or words of which you do not know the meaning. Simple words and sentences will suffice, and are most likely to be used correctly.

9. Write as legibly as possible and thereby gain favor with the examiner who rates your report paper.

In examination for police promotion, some weight is given to the following in the report:

Logical arrangement; paragraphing; margins; punctuation; use of capitals, conciseness, spelling.

Nevertheless, the policeman who is competent to write a logical report, showing that he has a good knowledge of what he is writing about, is rated higher than the one whose report is perfect in respect to grammar, but lacking in common sense and knowledge of the subject.

## CHAPTER XXII

### PROBLEMS

THE object of these problems is to give the person interested an opportunity to test his knowledge of the subject matter. It should be remembered, though, that all criminal cases of a similar kind cannot be handled in exactly the same way, as circumstances alter cases. Therefore the answers given herein apply to average conditions.

#### PROBLEM 1—

On October 1, the fully clothed skeleton of a man was found in an abandoned quarry nine miles from the town of Belton. Detectives handling the case ascertained that the man was John Hanske, a resident of that town, and that he was killed on the previous July 1, between noon and midnight, by an unknown person who fired a bullet from a revolver into his forehead.

The detectives were unable to find any clues to the killer, but there were three men—Brown, Black, and White—residing in Belton, each of whom would have a different motive for killing Hanske. The detective in charge of the case asked each of them—

“Where were you, and what were you doing, on July 1 between the hours of noon and midnight?”

Brown said that July 1 was his mother’s birthday, and that he and his wife were at his mother’s home in the country from noon to midnight. His mother and his wife corroborated this statement.

Black said that on July 1 he worked as usual in a factory in Belton from noon to 5 p. m., arrived home at 5:15, remained home until 7:30, arrived at Law's moving picture theatre at 7:45, remained there until 11:30, bought a razor in a drugstore at 11:45 and had it charged, arrived home at 11:55 and went to bed. The detective checked Black's statement and found that the picture he said he had seen at Law's theatre had been shown there on July 1 and subsequent days, and that he had purchased a razor in the drugstore about 11:45 p. m. He was unable to verify the rest of Black's statement.

White said that he did not remember where he had been nor what he had done on July 1; and he was very nervous when questioned. The detective found that White had worked in a factory from noon to 5 p. m. on July 1, but was unable to trace his movements on the rest of that day.

From the facts above set forth, state which, if any, of the three men was likely to be guilty. Give reasons.

#### ANSWER TO 1—

As to Brown, the fact that July 1 was his mother's birthday would fix that day in his consciousness, and it would not be extraordinary for him to remember three months later what he had done on that day. This, together with the fact that his statement was corroborated by his wife and mother, would indicate that he was not guilty.

As to Black, it would be extraordinary if he really remembered just where he had been and what he had done on an ordinary day three months previous. The fact that on October 1 Black gave a detailed account of what he had done on July 1 would tend to indicate that he was guilty and had carefully prepared an alibi.

As to White, it was reasonable that he should not remember the details of his movements on an ordinary day three months previous, and that he should be nervous when questioned by an officer of the law relative to the matter. His inability to remember and his nervousness would tend to indicate his innocence rather than his guilt.



## PROBLEM 2—

There is a deception test known as the “Word Association and Reaction Time Test.” Prior to the test the examiner makes a list of about forty words, some of which are suggestive of the crime. Starting at the top of the list, he pronounces each word, and the suspect, on hearing it, is supposed to say instantly any word that comes to the threshold of his consciousness. The examiner, by using a split-second stopwatch, records the word the suspect said and his reaction time.

The theory is that when the examiner pronounces a word associated with the crime, the word that comes to the guilty suspect’s tongue is one connected with the crime, and that to protect himself from detection he returns the dangerous word to his mental storehouse and substitutes some harmless word.

Assume that you are giving this deception test to Black, the suspect mentioned in Problem 1, and that the record given below is the result; that Black’s responses to the other significant words of the test are similar. State what conclusions you would form and give your reason.

## THE TEST

OFFICER	SUSPECT BLACK	REACTION TIME
house .....	home .....	1.6 seconds
green .....	blue .....	1.8     "
nose .....	face .....	1.6     "
quarry .....	theatre .....	4.10     "
short .....	long .....	3.2     "
coal .....	burn .....	2.10     "
revolver .....	man .....	4.11     "
etc	etc.	etc.

## ANSWER TO 2—

From the facts stated, it would be reasonable to conclude that the suspect Black had a guilty knowledge of Hanske’s murder, particularly so if his emotional reactions to the long list of words was as significant as those recorded in the question. For instance, when the

officer said "house," the word "home" came out of Black's subconscious to the tip of his tongue, and he uttered it immediately because he felt that the word did not connect him with the crime. His emotional reaction to the next two words—"green" and "nose"—was similar; but when the officer said "quarry," a word connected with the crime apparently came to the tip of Black's tongue. Realizing that he would be trapped if he uttered it, he returned it to his mental storehouse and substituted the harmless word "theatre." That word may have come into his mind because it was connected with his alibi. The process of returning the word to his mental storehouse and substituting another word for it took extra time. This is indicated in the question.

After a guilty suspect has responded to a dangerous word he is, as a rule, emotionally disturbed, and extra-cautious in responding to the words immediately following it. Consequently his reaction time may show a slight increase above normal, even when the words are not connected with the crime. This also is indicated in the examination of Black, as given in the question.

If the reaction time to the significant word shows no increase above the normal, it is supposed that the suspect is not trying to suppress the truth (see Page 352).

### PROBLEM 3—

Assume that you are the policeman responsible, and state how you would proceed in examining the automobile involved and the scene of the accident in the following case:

The automobile has just struck and killed a man while he was crossing the roadway in a rural locality. The driver of the car stopped it at the scene immediately after the collision, and notified the police by telephone from a nearby dwelling.

The driver states that he was travelling at the rate of about 20 miles per hour, close to the curb, when the victim stepped from the footpath to the roadway a short distance in front of the car; and that he immediately applied his brakes.

There are no traffic lights at the location and no witnesses to the accident. The body is lying in the roadway in front of the car.

ANSWER TO 3—

1. Notify medical examiner, and, if practical, have him come to the scene forthwith. Otherwise get other medical assistance, preferably an ambulance.

2. Take photographs of:

General view of scene from different angles;

Body before its removal from its position in front of the car;

Body after its removal, especially its visible injuries;

General view of automobile and particular view of the part that came in contact with victim;

Skid marks. This photograph should be taken after the car has been moved. The marks should, as a rule, be colored before the photograph is taken. To color them, spread plaster of paris over them with a special spreader. A Chaulmontet spreader is best if one is available.

3. Make an accurate sketch of the scene, using either the coordinate or traverse method. Be careful to show accurately on this sketch all essentials, such as the position of the body when it was found; the position of the car relative to the body; the skid marks; the distance of the curb from the skid marks; and the position of the camera when the photograph of the scene was taken. Draw the direction of the compass on the sketch. Make accurate measurements of all essentials. Use standard sketching paper if it is available.

4. Measure the length of the skid marks. These marks are made by the locked wheels. Do not confuse them with the marks made by the tires between the time when the brake was applied and the wheels were locked by the brake. The length of the skid depends upon the kind of brakes used, the condition of the brakes, the condition of the road pavement, and the speed of the vehicle at the time the brake was applied.

5. Make record of the condition of the body in respect to its visible injuries. Take a complete description of it and its clothing for purposes of identification, especially if the victim is unknown. Also take his fingerprints. If it is impractical to take such action at the scene, it may be taken in the morgue or elsewhere. See to it that the body is removed to the morgue or elsewhere in accordance with the medical examiner's orders. Before its removal, have contents of clothing removed and recorded; also have any clothing that is to be used as evidence marked, tagged, and safeguarded.

NOTE—If the victim is known and the case is purely accidental, the action that should be taken in respect to the body and its clothing would depend on the circumstances of the case.

6. Test the brakes of the car. An instrument called the decelerometer should be used, if one is available. It is best to test the brakes at the scene, as the road conditions are similar. If this is impractical, the test should be made on a good level road, preferably one paved with asphalt. The speed that the vehicle was going at the time the brakes were applied can be approximated by measuring the length of the skid marks. If the car has been smashed and cannot be tested, the speed must be calculated from the skid marks. There are brake tables for such purpose.

(In New York and some other large cities, every motor vehicle capable of a speed of more than 10 miles per hour must be equipped with a service brake capable of decelerating it when it is going at the rate of 20 miles within 45 feet from the point where the brake was applied, provided it is equipped with two-wheel brakes. The distance is 29.3 if there are four-wheel brakes. The emergency brake operated independently of the service brake should be capable of stopping a car going at such speed within 75 feet from where it was applied.)

If a mechanical defect is found in the car, the policeman who tested it must be competent to testify whether the defect existed prior to the accident, was caused by the accident, or had developed subsequent to the accident.

Therefore such test should, as a rule, be made by an expert. The person who was driving the car at the time of the accident should, if practicable, be present when the test is made.

7. It is usually not necessary to take matter that is connective evidence from the car when the facts ascertained show that there is no evidence of neglect. On the other hand, if there is any evidence of neglect, such matter should be carefully gathered and safeguarded. For instance, if it is found that the driver was culpable, and blood that was found on the car at or near the point of impact, scraping of the blood should be taken and placed in a clean test tube, which should be tightly corked, properly labeled, and forwarded to the analyst, together with a sample of the victim's blood. If fibres from the victim's clothing are found in the car, these and the victim's clothing from which the fibres came should be forwarded. Often particles of broken glass from the car are found adhering to the victim's clothing and prove connective evidence.

8. In all such cases a full report should be made to superior officers or other proper authority. The owner should be arrested and the car held as evidence as a rule. In New York City, however, an arrest is not made in some cases unless there is some evidence of neglect on the part of the person responsible for the accident.

NOTE—When characteristic parts of a tire track—such as bursts, cuts, etc., are being photographed, a clearly marked scale should be included.

#### PROBLEM 4—

There are two separate and distinct sets of footprints in the soft topsoil of a plot of ground. You are comparing the prints in one set with those in the other, to ascertain whether or not both sets were made by the same person. State the principal points you would note in both sets in making such a comparison. It is necessary for you to do so forthwith, and it is not practicable for you to take casts.

## ANSWER TO 4—

The following points should be particularly noted in each set of footprints when comparing one with the other—

(a) The general shape of the prints;

(b) The pattern of the impressions (All distinctive marks should be especially noted, such as marks made by rubber heels, or heels and soles which are patched, broken, metal tipped, or marked in any other special way.);

(c) The length and width of the footprint (The length is usually ascertained by measuring from the rear edge of the heel to the point of the toe, and the width is measured at the widest part of the sole. Measurements of the right and left footprint should be made.);

(d) The depth of the impression (Measurements of the depth should be made at several points where the soil is similar.);

(e) The breadth of the step—usually determined by measuring the distance between two parallel lines, one of which extends along the outermost edge of the left foot-imprint and the other along the outermost edge of that of the right foot (The breadth of the step of persons who are fat or are carrying heavy packages, is, as a rule, greater than that of those who are thin and active.);

(f) The length of the step—usually ascertained by measuring the distance between the centers of two consecutive heelprints (At least two average steps should be measured in each set of prints. Step lengths vary in accordance with activity, physical condition, size, gait, foot deformities, etc. An average man takes about a 30-inch step when walking and a 45-inch step when running. In the running step, the heel-imprint is usually indistinct or absent, and the toeprint more pronounced, than in the walking step. Women usually take shorter steps than men.);

(g) The angle between the foot line and the direction line, the former being a straight line extending through the footprint from heel to toe, the latter an imaginary line which one follows when walking directly from one point to another (A man's foot angle is usually larger than a woman's. Pigeon-toed and club-footed persons make characteristic foot angles.);

(h) The walking line, usually ascertained by drawing a connecting line between two successive heelprints of the same foot along the inner side of the heels. It may vary a trifle in each step, and it usually coincides with the direction line (Some persons, however, especially stout persons or those carrying heavy bundles, spread out the feet when walking to maintain their balance. In such cases the walking lines of the right and left feet would be some distance from the direction line, and this divergence should be measured.)

NOTE—Two squares and one pair of compasses are usually used in making the above measurements, but when these are not available, an ordinary foot-rule may be used.

### PROBLEM 5—

State in detail how you would take a plaster of paris cast of a footprint in the lawn of a lot. It is about two inches in depth and the grass has been pushed to its bottom by the foot.

### ANSWER TO 5—

1. Cut out the grass blade by blade with a scissors and remove it. Take care not to touch any part of the print while doing this.

2. If there are any loose pebbles, twigs, etc., in the print, remove them carefully.

3. It is advisable to prepare the print for the plaster by spreading a very thin coating of shellac on it with a spray. In doing this the nozzle should be kept about a few feet away from the print, so that the shellac will descend in a cloud-like formation. If no spray is avail-

able, a camel's hair brush may be used, but the touch must be light.

4. When the shellac is dry shake talcum powder on it until a very thin coat is formed.

5. Build a barrier of hoop iron, wood, cardboard, or roofing lead—cut to a width of about two inches and about one yard long—around the print so as to enclose a depression with the print at its bottom. If the print is on a slope, the lowest point of the barrier should be at least two inches higher than the highest point of the print.

6. Use the best quality of plaster of paris that you can obtain. That used by good dentists and artists is most suitable. About 24 ounces of the plaster are necessary to make an average print.

One way to mix plaster of paris is to put a pint of water in a rubber cup, and sift the plaster over the surface of the water, letting it sink of its own weight. When the water will not absorb any more plaster, stir the mixture thoroughly and then pour it on the print. If no rubber cup is available, any clean metal vessel will suffice.

Another way is to fill a bucket about one-third full of clean water, and slowly pour in handfuls of the plaster, with a rotary motion of the hand in the water. When the plaster is of the thickness of thick cream, pour it on the print.

If it is desired that the print harden quickly, a little salt should be added to the plaster. If slow hardening is desired, a little sugar should be used.

7. It is best for two persons to undertake the pouring job, though if necessary one can do it. One person should pour the plaster and the other should spread it with a spoon. Care should be used not to touch the print with the spoon. The container of the plaster should be held close to the print and the spread should, as a rule, be commenced at the shank, allowing the mixture to flow into the impression made by the sole and heel. It should be poured slowly and continuously, in order to avoid making air bubbles. When the plaster has reached a depth of about half an inch it should be reinforced by



placing small pieces of wood on it in various directions. Some pieces of cord should also be placed in it as binders. The plaster should be poured in until the minimum thickness of the deposit is at least three-quarters of an inch.

8. Before the cast is dry the officer who made it should mark it for identification.

9. The cast should not be lifted until it has set. The soil around and under it should be loosened with a spade before it is lifted. If any soil is found adhering to it when it is lifted, the cast should be soaked in water for a few minutes and the soil then washed off. If any shellac is sticking to the cast, it should be washed off with alcohol. A small portion of shellac may be removed by heating the cast on a hot stove.

#### GENERAL POINTS Relating to Problem 5—

1. If there is water in the footprint, as much of it as possible should be drained out with a syringe, and any then remaining should be soaked up with blotting paper; or the plaster of paris should be spread over the water with a sifter, in which case the plaster will fall to the bottom and form a hard crust.

2. When the print is on sloping ground the plaster should be poured first into its lowest part.

3. It is advisable to take a photograph and measurements of a footprint before making a plaster cast of it. A clearly defined scale should be included in the photograph of a characteristic footprint.

4. If it is necessary to take a plaster cast of a print in dust or sand, about a dessert spoon of the plaster of paris should first be mixed in half a pint of water and poured into the print so as to form a coat; then the cast should be taken as already described; or a coat of shellac followed by a thin coat of oil may be spread over the surface of the print before the cast is made.

5. To take a print in snow, first shake a coat of talcum over the print and follow with a coat of shellac. Repeat this process three times. The shellac should still be wet when the second and third coats of talcum are applied.

6. There are various official compositions other than plaster of paris, that are used to take casts. If neither plaster of paris nor any of the other official compositions are at hand, and there is an emergency, wax, candle grease, glue, or similar matter may be used.

7. Dactyloscopic foil is sometimes used to lift footprints made by shoes on linoleum, varnished floors, dust on floors, and the like. If, however, it is practical to remove the board or other surface on which the print appears, it is the best way.

8. Footprints should be safeguarded by putting a barrel or box over them pending the arrival of a footprint expert.

Problem 5 and solution were taken in substance from the Garda Review, Dublin.

#### PROBLEM 6—

(a) What is moulage, and for what is it principally used in criminal investigation?

(b) There are several methods used in making moulage casts. State one method, assuming a print of which a cast is desired has been found in firm earth, about one-quarter of an inch deep.

#### ANSWER TO 6 (a)—

The term "moulage" is applied to use of a plastic substance in criminal investigation for making death masks and casts of other parts of the bodies of unknown dead persons and of persons who have been murdered. It can also be used to make casts of marks left by burglars' tools, automobile tires, and teeth, and of footprints, wounds, etc.

Casts expertly made by moulage are said to be flawless, life sized, and capable of being painted in natural colors.

It is somewhat expensive, and it must be used hot. These are probably the reasons why its use for casting is not as widespread as plaster of paris.

Two types of moulage are used in making a cast, negocoll and hominit. Either must be melted be-

fore it can be used. The negocoll is usually melted in a double-bottomed boiler, and a little water is sometimes added. The hominit is melted in an enamel pan which is placed directly over the flame. When necessary, they may be melted in a laboratory and brought to the scene of the crime in vacuum bottles.

#### ANSWER TO 6 (b)—

One way of taking a cast of a footprint by means of moulage is as follows:

Build a retaining wall around the print with cardboard, clay, or plastelina. Then, having melted the moulage, pour the negocoll slowly and carefully over the trace until a thin layer has covered the print. Reinforce this layer rapidly by adding small strips of gauze. Pour another layer and put some gauze over it. Continue this process until a mold at least a half-inch thick is formed. After the mold has set, lift it.

Usually, a positive cast is required. In such a case, turn the mold on its back so that the foot impression is uppermost. Build around it a half-inch wall of plastelina or clay. Spread the hominit over the impression layer by layer, like paint, with a brush, reinforcing with gauze during the process, until a thickness of at least one half-inch has been attained. Then, after some minutes, pull the cast away from the mold.

A footprint should not be molded or tampered with until it has been photographed or sketched, and every detail noted.

Generally, a cast—especially a moulage cast—should be made only by an expert.

(Plaster of paris is considered best for casting footprints.)

#### PROBLEM 7—

Assume that Brown killed White. State—giving your reasons briefly—what, in your opinion, would be the value of each defense if, on being tried, Brown pleaded—

(a) That he did the deed in a hypnotic condition,

acting under the suggestive command of Black, who had hypnotized him;

(b) That when he did the deed he was intoxicated, and did it because he was in that condition;

(c) That he did the deed when he was in a somnambulistic state and hence not conscious of what he was doing;

(d) That he was forced by Black, at the point of a gun, to commit the crime.

#### ANSWER TO 7 (a)—

Psychiatrists hold different opinions as to the condition of the consciousness of a hypnotized person.

Most of them state that there are two stages of hypnosis, namely the semi-alert stage and the deep amnestic stage. Some scientists say that a person in either stage would not obey a suggestive command that would be repulsive to him in a normal condition.

Some of the psychiatrists who reject that theory say, in substance, that—

1. A person has two personalities, namely the conscious or primary and the subconscious or secondary personality.

2. A person has a primary brain and a secondary primitive prototype of a brain, namely the cortex or "supreme court" and the thalamus or "lower court." The cortex is the thinking part of the brain and is integrated with the primary personality. The thalamus takes care of the automatic processes of living. It is integrated with the secondary personality under the supervision of the primary personality. The two brains are connected and have functional relations with each other.

3. When a person is functioning normally, all outside ideas reach his cortex and are judged by it. If an idea is considered to be beneficial it is retained and acted on then or later. Otherwise it is substantially discarded.

4. When a person is in the somnambulistic stage

of hypnotism, the primary personality is dormant and the secondary personality is in control.

5. The secondary personality lacks critical judgment and would obey the suggestive commands of the hypnotizer without considering the consequences except in a hazy manner.

6. If, while he is under a hypnotic spell, a person is ordered by the hypnotizer to do an act after awaking, the hypnotized person will, as a rule, comply, and while he is doing so the primary personality will be dormant. This is called *post-hypnotism*.

If this theory is correct the defendant, Brown, would seemingly not be criminally liable for the murder, but Black, who hypnotized him, would be guilty.

Few defendants, however, offer hypnotism as a defense, and probably most of those who do are insane or fakers; but perhaps some do commit crimes while hypnotized without realizing their condition.

It sometimes occurs that a person in a hypnotic state is the victim of a crime. For instance, a woman in that state might yield to advances which she would in a normal state repel.

It should be remembered that a hypnotized person might obey a suggestive command to forget, on awaking, what he or she had done while under hypnosis.

It is said that some persons cannot be hypnotized even with their consent, and that very few can be hypnotized against their wills.

#### ANSWER TO 7 (b)—

Intoxication, as a rule, is not a defense for a criminal act; but the fact may be taken into consideration in respect to malice and intent.

If, however, Brown, as an effect of his intoxication, was laboring under an insane delusion that White was going to kill or seriously injure him and he shot White to prevent him from doing so, it would be a good defense.

Again, if Brown, when he committed the crime, was suffering from a delusion, illusion, or hallucination, but his mental condition had no connection with his act, it

would not be a good defense, though it probably would be taken into consideration in determining the degree of his guilt.

**ANSWER TO 7 (c)—**

Somnambulism is a good defense for a criminal act if the defendant can prove that, at the time he committed the crime, he had not cognition of his outward surroundings and no rational use of his will, especially if he proved that he was unconscious of the nature of the act.

Many somnambulists are also epileptics.

Somnambulism is sometimes pleaded by fakers as a defense for a crime. Therefore, the prosecution always investigates the circumstances, particularly whether the defendant had suffered from such fits prior to the act.

Some persons are in a hazy mental state when they awake from sleep. They are between sleeping and waking, so to speak, and may commit a criminal act while in that state, not realizing what they are doing.

**ANSWER TO 7 (d)—**

If Brown could prove that the fear of immediate death at Black's hands deprived him of the rational use of his will, that the act was against his desire, and that there was no alternative but his death if he refused to obey Black, it would be a good defense. How good would be for the judge and jury to decide. (This would also apply in the other cases mentioned above.)

**PROBLEM 8—**

Wandering from the right path is often due to mental abnormality of one kind or another. State briefly what kind of crime a person is prone to commit who is suffering from any of the following mental diseases or aberrations. Also briefly describe each:

(a) Kleptomania; (b) pyromania; (c) paranoia; (d) puerperal mania.

**ANSWER TO 8—**

(a) Kleptomania is a propensity to steal. Most kleptomaniacs are women, and it is said that their impulse to

steal is strongest during the menstrual period.

Real kleptomaniacs, as a rule, steal only articles of small value for which they have little if any use. They often hide them away, destroy them, or return them to the owner.

There are many shoplifters who, when caught stealing, claim that they are kleptomaniacs in order to escape punishment.

The disease, as a rule, is not a satisfactory defense for theft in a court of justice, especially when the articles stolen are valuable, unless the defendant also suffers from some other form of mental disease.

(b) **Pyromania** is impulsive insanity that finds its outlet in setting fires, and is often accompanied by some form of epilepsy. Urged on by such an impulse, the pyromaniac sets the fire on the spur of the moment, using any combustible material at hand, such as paper, rubbish, hay, straw, or the like. He rarely uses oil or explosives, and usually sets the fire in a tenement hallway, cellar, stable, hayloft, or similar place. He sometimes sends a fire alarm after setting the fire, and remains at the scene excitedly aiding those in peril and enjoying the excitement. He sometimes makes several fires in one locality at short intervals.

Pyromania, especially when the sufferer is also an epileptic, is a defense for arson, particularly when the fire is without motive.

(c) Webster defines **paranoia** as "a chronic mental disorder characterized by systematized delusions of persecution and of one's own greatness, sometimes with hallucinations."

A paranoiac, in the second stage of the disease, usually has delusions of persecution and imagines that he hears persons speaking disparagingly of him. He may even imagine that some particular group or individual is poisoning his food, sending electric currents into his body, blowing noxious gases into his bedroom, or in other ways trying to injure or kill him. He may even complain to the police of their conduct.

In the early stages he usually takes measures to safe-

guard himself, and may flee the locality where his imaginary enemies reside. In some cases, however, he eventually becomes desperate and decides that attack is the best defense. If he reaches this stage, he may blame some individual for being at the bottom of all his trouble, and kill or injure him when he has the opportunity. Or he may attack a distinguished person with the object of having his own case investigated.

It should be remembered, however, that there are many harmless paranoiacs at large in the community who at times are practically normal and able to earn a living. This type of paranoiac may be regarded merely as a crank by those who come into contact with him and his disease not be recognized.

It should also be remembered that a chronic cocaine or alcohol addict may have delusions similar to those of a paranoiac, and kill or injure imaginary enemies.

Homicidal mania may occur in any form of insanity, and such a maniac may kill or injure an imagined enemy or kill to satisfy a sadistic desire to shed blood.

Sometimes a maniac who intends to commit suicide kills loved ones in order not to leave them behind.

(d) A woman who is suffering from **puerperal mania** usually contracts it from a few days to a month after she has given birth to a child. During it she may have an impulse to kill her child or some other person, and measures must be taken to prevent her from doing so. Sometimes mothers of unwanted children, especially unmarried mothers, offer this disease as a defense when guilty of killing their children.

### PROBLEM 9—

Mary Brown, a typist, has a locker for her exclusive use in the business office where she is employed. It is in a rest room attached to the office, and only ten other employees have access to that rest room. She keeps her pocketbook in the locker while she is working, and almost every day coins are stolen from it. Obviously, one of the ten is the guilty person.

It is not possible to watch the actions of any of the



ten without their knowledge when they are in the rest room; nor is it good policy to mark the money and search all of them if it is stolen.

What can be applied to a coin that will produce visible evidence of guilt on the hand that steals it?

#### ANSWER TO 9—

Dyes are often used to trap persons who steal from cash drawers, garments, pocketbooks or other money receptacles, in their place of employment.

Various dyes are used for the purpose. They can usually be purchased cheaply at any place where dyes are sold.

Carbol fuchsin is said to be best for the purpose. While usually sold in semi-liquid form, it may also be had in liquid or dry form.

It is a brilliant red, and if the hand becomes stained with it, it will take several days for the stain to disappear, unless removed with a solvent, which may be obtained from the dye dealer.

When the dye is purchased the dealer should be told for what it is to be used. When the dye is applied to coins, door-handles, or the like, the paste form is used; whereas, if the intention is to put it in a pocket as a trap for the hand of a thief, it is usually put up in a fragile capsule, or other container, in liquid form. This container will break when touched by the thief's hand. If it is necessary to protect the lining of the pocket from the dye, a superimposed lining of thin rubber should be used.

This dye should be placed, as a rule, on the under side of door-knobs, handles, latches, etc. It should be renewed at least every 48 hours.

In our present hypothetical case, this dye should be applied in paste form to a few marked coins in Mary Brown's pocketbook before the latter is placed in her locker. Then, if any of the coins are stolen, the hands of those who had access to the rest room should be examined.

The one whose hand is stained is, of course, the guilty person. If she is arrested, she should be searched im-

mediately for the marked coins, as they would be conclusive evidence of guilt.

Other dyes commonly used for the same purpose are:

Malachite green, staining a hand bright green, which takes several days to disappear, and which can be removed with a solvent.

Para-nitroso dimethyl aniline, staining a hand yellow, which takes about 24 hours to disappear, and which can be removed with a solvent.

Magenta fuchsin, staining a hand red, which takes several hours to disappear, and which can be removed with soap and water.

Dyes 1, 2, and 3 are usually spread on coins in powder form. The color appears after the hand is immersed in water. Dye No. 2 also appears if the hand perspires.

#### PROBLEM 10—

(a) There are three types of black inks in common use in the United States. From what are these inks principally made?

(b) Why is it necessary for an expert in forged documents to know the composition of the various inks?

(c) Why can an erasure that is made by a knife or rubber be detected by holding the paper against light?

(d) What other methods are commonly used to detect erasures made with a knife or rubber?

(e) What method is usually used to detect an erasure made with an ink eradicator?

(f) Mention briefly some of the ordinary precautions that must be taken in the handling and packing of undamaged documents that are to be sent to an expert for examination.

(g) Writing on charred or even badly burned paper can often be read if the paper is handled expertly. You find in a stove badly charred paper that probably has important evidential value. No expert is available, and it is your job to remove the paper from the stove and transmit it to an expert. State how you would do so.

## ANSWER TO 10—

(a) Niogrosin, logwood, or iron salts and nutgall.

(b) If one kind of ink is used to forge a document known to have been written in another, an expert in inks can easily detect the forgery.

(c) The effect of erasing is to make the spot where the erasure was made more transparent than the paper surrounding it. This is readily seen when the paper is held before light.

(d) A few drops of benzine put on the erased area will indicate that area by first spreading to its border and later penetrating the area. Iodine fumes are also used for this purpose, and sometimes they make erased writing visible. The fumes must be expertly applied.

(e) Ultraviolet light rays are used to detect writing obliterated with ink eradicator.

(f) They should not be folded in any manner likely to cause a new crease. Pins, perforating fasteners, or any other thing likely to puncture them, should not be used on them. If it is necessary to label them, the labels should not be pasted on the documents themselves, but should be put on separate sheets of paper and attached to the documents with wire clips. It is best not to put any ink or pencil marks on a document until it is in the hands of the expert. One way to protect it in transit is to place it between slabs of glass and fasten the ends of the glass with adhesive tape. Then it should be placed in a tin box or other container, which should be properly labeled.

(g) Close all windows, doors, and other openings through which air currents that would scatter the paper might come. Close the damper of the stove and, if necessary, stuff the stove pipe with wet cloths. Do not extinguish the fire, if any, by throwing water on it.

Carefully insert a carrier of glass, smooth metal, highly glazed cardboard or the like under each separate fragment of the paper and place each carrier with its paper on a table. If the carrier cannot be inserted under an entire fragment without undue pressure, insert a corner of it under the most favorable place; then place a camel's

hair brush against the edge of the fragment and slide it upon the carrier. If, however, the paper, or any portion of it, is in a series of layers, the carrier should be inserted under the entire mass, and the whole lifted to the table.

After the carrier and its contents have been placed on the table, they should, until ready for packing, be protected from air currents by covering them with an inverted box, or the like.

One way to pack such paper for transit is the following:

Place each separate fragment, or separate layer, on a piece of smooth, highly glazed cardboard, so cut that a margin of about one-fourth of an inch projects beyond the fragment or layer resting on it. There should be a flap at both ends of each such carrier for use as handles.

Place each carrier in a separate receptacle, preferably a tin box. The area of the box should be slightly larger than that of the carrier, in order that the latter may be placed in and removed from the box without unduly disturbing the paper. Loosely pack the space between the sides of the box and the edges of the carrier with cotton wool, also the space between the sides of the box and the paper. Exercise great care while doing this. Place a suitable cover on each box.

Next place all the receptacles in a box or boxes. Place them slightly apart from one another, and do not put one on top of another. Pack them securely in the box, in order that they may not shift in it during transit. Take them to the expert yourself, if practicable, and while on the way take all possible precautions to prevent unnecessary jolting of the paper.

NOTE—An expert's method of removing badly burned paper from a stove is usually the following:

He holds a glass pan in his left hand as near to the paper as possible, and gently fans the fragments of the paper into the pan. Then he moistens the fragments with a mixture of shellac and alcohol, using an atomizer to do so. Next he flattens the debris carefully, and puts another glass pan on the top of it so that it is pressed

between the two pans. The whole is then placed in a printing press and photographed, and printed on compression paper.

NOTE—In New York City, when a bond, certificate of stock, will, deed, or other obligation or evidence in writing is to be sent to the laboratory for examination in connection with a criminal investigation, it is enclosed in a transparent envelope. The same applies to a government security of any kind, including that of a foreign government.

### PROBLEM 11—

About 1 a. m. on a dark morning, two detectives patrolling a warehouse section of their city in a radio car heard the sound of five shots apparently fired in the next block.

On arriving there they saw nothing unusual or out of place, and proceeded to investigate with the aid of the searchlight on their car and their service flashlights. Seeing tracks of a motor vehicle leading from the street into a vacant lot extending between that street and the next one, they proceeded to follow them. The soil was slightly muddy, and the tracks were distinctive. They led to the iron-barred side window of a warehouse. The tracks outside the window showed that the car had been parked there for a time, then driven away.

They followed the tracks from the window to the street at the opposite side of the lot, but no vehicle was in sight. The tracks leading away from the window were deeper than those approaching it, and showed that one tire got flat soon after the car left the window.

On further investigation they found the following conditions:

There were numerous footprints outside the window between it and the tire tracks. These prints were of two distinct patterns. Some of them were bloodstained.

The empty cartridge shell of an automatic pistol was on the ground outside the window.

The heavy iron bars that had protected the window were cut, evidently with a saw, and the window had been forced open. There were jimmy marks on it.

A small piece of blue serge was adhering to a nail that protruded from the window ledge. Dust brushed from the ledge indicated that someone had gone through the window.

On the floor of the warehouse just inside the window was a bolt of woolen cloth. (The owner came to the premises and declared that about 20 bolts of this cloth had been stolen.)

The dead body of the patrolman on post was lying in the lot at a point about 20 feet from the window and 150 feet from the street. There was a bullet hole in his forehead. His revolver, lying near his hand, contained three cartridges and three empty cartridge shells. His tracks led from the street to his body. Prints of his whole foot showed that he took 30-inch steps for a short distance after entering the lot, and prints of his toes alone showed that he then increased his stride to steps of about 45 inches. (NOTE—Running steps usually leave toeprints only.) The toeprints continued to where his body lay, except that the line of these long steps showed that he halted three times while taking them. (NOTE—The step length of average man walking is about 30 inches; running, about 45 inches. A moving policeman, when he is shooting at anyone, usually halts for a moment to aim and fire.)

At 1:30 a.m. the patrolman on the adjoining post found an abandoned Ford truck at the foot of a dock about two blocks from the scene of the crime. Its theft on the previous day had been announced in a police broadcast. The detectives examined the truck and found that a bullet had gone through one of its tires and another had lodged in its body. In the truck they found a bloodstained, white leather, right shoe, with a bullet hole in its right side; a bloodstained white stocking; two pairs of bloodstained gloves; a jimmy; an empty cartridge shell, evidently fired from an automatic pistol; and a pair of bifocal eyeglasses.

Assume that you were one of the detectives concerned, and from the facts given state briefly—

(a) The theory you would form;

(b) The things mentioned which had potential value as evidence or clues;

(c) The connective evidence that would probably be found on the perpetrators, or any of them, if they were examined, especially soon after the occurrence.

#### ANSWER TO 11—

##### (a) The Theory:

There were probably three perpetrators, who were professional loft burglars. They stole the Ford truck with the intention of removing the stolen goods in it; and they had a launch moored at the dock for the same purpose, and also as a means of escape.

All went to the scene in the truck, but one of them left it before entering the lot and acted as a lookout near the warehouse. The other two drove into the lot, parked the truck in front of the warehouse window, donned gloves, and forced the window with a saw and jimmy. One of them entered the warehouse, tearing his pants on a nail in the window while so doing. He was engaged in passing bolts of cloth through the window to his pal, who was engaged in putting them into the truck, when the lookout in the street gave a pre-arranged signal that the patrolman on post was approaching. The lookout then withdrew and went to the dock. The other two, seeing the patrolman enter the lot, decided to get away. The one on the outside got into the truck and started the engine, and the other climbed out the window. The patrolman, who had advanced a short distance into the lot, probably to examine the windows facing it, observed what was happening, drew his revolver, and started to run toward them.

By this time, the burglar was out of the window, and he fired a shot from an automatic pistol at the patrolman, missing him. (NOTE—Search should be made for the bullet.)

The patrolman halted for a moment, aimed, and fired. His bullet lodged in the burglar's right foot. The wounded burglar managed to board the truck and the one at the wheel started to go. The patrolman continued to run but

halted twice for a moment to aim and fire. One of the shots deflated the tire and another lodged in the body of the truck. The patrolman had fired three shots when the wounded burglar took careful aim and shot the patrolman in the head.

The two burglars then drove to the dock. On the way the wounded one took off his shoe and stocking to ease the pain of his wound and examine it. On arrival at the dock they transferred the stolen goods to the launch and went in it to their rendezvous.

The wounded burglar probably received medical attention after the launch reached its destination. The gloves of the other burglar became stained with blood while helping the wounded one out of the truck.

The property found in the truck was left there inadvertently, due to excitement.

#### **(b) Things Mentioned Which Had Potential Value as Clues or Connective Evidence:**

**The truck**—Its tires, including the deflated one, would match the tire tracks in the lot, and indicate the point in the lot where the patrolman's bullet deflated the tire. The depth of the tire impressions in the lot would show that the truck was more heavily loaded when it left the window than when it arrived there. Soil from the lot probably adhered to the truck. Examination of the bullet which lodged in it would show that it had been fired from the patrolman's revolver.

**Things found in the truck**—The jimmy would fit the marks made in the window by it; also, it may be traced to its owner. The shoe showed that a bullet had lodged in the criminal's right foot; it would match his footprints in the lot; his ownership of it may be established. The stocking may have laundry marks on it and its ownership may be established. The bifocal glasses would probably show a clue to the optician who sold them and he would be able to establish the identity of their owner; and they would also show that this burglar usually wore glasses. The empty cartridge shell would indicate that a shot had been fired at the patrolman from the truck. The marks on it would identify the pistol from which it was



fired, if the latter were found, and other marks on it may lead to the dealer who sold it, who perhaps could identify the purchaser. The gloves may be traced to their owners through the dealer who sold them. Fingerprints may be found on them. Gloveprints may be found on the premises.

**The premises**—The *modus operandi* of entry would be a clue to the identity of the burglars. The piece of serge adhering to the window ledge would be presumptive evidence of the guilt of the person found in possession of the garment from which it came. The owner of the premises would prove that burglary had been committed and identify the stolen goods if they were found. The empty cartridge found outside the window would indicate that a shot had been fired at the patrolman from there, and the marks on it would be a clue to its ownership, and to the identity of the pistol used.

**The patrolman**—Examination of the bullet which killed him would show the calibre and probably the make of the gun used. It would positively establish the identity of the gun if it were found. The empty cartridge shells would be a link in the chain connecting the bullets which struck the truck and the one which struck the burglar with the patrolman's gun.

### (c) The Perpetrators—

They probably wore gloves while operating, yet in a careless moment they, or one of them, may have left prints on something that would connect them with the crime, such as the truck, the jimmy, the cartridge shells, or the shoe; in fact, even the gloves. The revolver may be found in their possession, and if so the bullet which killed the policeman would positively identify it. Particles of iron or dust from the window may be found adhering to their clothing; also fibres from the stolen woolen goods. The piece of serge found on the window might match the garment of one of them. The shoes of those who were in the lot would match the footprints there, and soil from the lot may be found adhering to their shoes.

The bullet in the wounded burglar's foot would positively connect him with the patrolman's gun, and the blood-stains found at the scene of the crime would be in the same blood group as this burglar's.

### PROBLEM 12—

At about 10 p. m., John Smith, a grocer, was behind the counter in his store, in a residential section of a city, when two men, one of whom had a revolver in his hand, entered. The one with the revolver barked—

“Throw up your hands! This is a stick-up.”

Smith reached for a drawer, in which his revolver was, whereupon the robber with the gun fired at him but missed. Smith then threw up his hands.

The robber with the gun kept Smith covered, while the other dashed behind the counter and took from the cash register \$50 in bills of various denominations.

Both robbers then rushed from the store, boarded an automobile which they had left parked at the curb with its engine running, and drove rapidly away.

As they pulled from the curb, Smith ran out on the street to see if a policeman was in sight, and just at that moment two patrolmen in a radio-patrol car equipped for two-way communication came into that street from a cross-street. Smith ran into the roadway and intercepted them. Pointing to the robbers' car, which was still in sight and about half a block away, he quickly informed them of what had occurred and gave them a brief description of the robbers. The policemen started in pursuit.

The robbers caught sight of them and tried to escape by driving furiously and twisting and twining through cross-streets. After the chase had lasted several minutes, one of the policemen fired a shot which punctured a tire on the robber's car. Then the robbers abandoned their car, leaving a revolver and the stolen money in it, and ran through an alley into the rear yards of a row of tenement houses which faced the street.

The policemen also left their car and pursued the robbers through the alley, but when they got to the rear

yards the robbers had disappeared. However, it was evident to the police that the robbers had taken cover in one of the tenement houses in the row; but they did not know which one, and no witness was present.

Answer briefly the following questions relative to the above case:

(a) What notifications should the policemen in the radio-patrol car make while pursuing the robbers' car?

(b) What action should they take when they found that the robbers had taken cover in a tenement house?

(c) Assume that the patrolmen had kept the telegraph bureau informed of the facts while pursuing the robbers, and state what action the telegraph bureau officer should have taken—

(1) when he received a description of the robbers, their car, etc.; (2) when he was informed that the robbers had taken cover in a specific row of tenement houses.

(d) Detectives searching the tenement houses in question found two suspects hiding in a cellar. Both claimed that they were not the robbers and stated that, being homeless, they had entered the cellar to sleep, as they found the door open. The patrolmen who had pursued the robbers were unable to identify the suspects positively, and there was no property on their persons that connected them with the robbery. State briefly—

(1) The articles mentioned in the problem which should be particularly examined for the suspects' fingerprints; (2) the evidence that would probably be found on the hand of one suspect, if either had fired the shot at Smith; (3) the manner in which both suspects should be lined up for possible identification by Smith.

#### ANSWER TO 12 (a)—

The patrolmen in the radio-patrol car, while pursuing the robbers' car, should keep in touch with the telegraph bureau, using the two-way radio in their car for that purpose. They should transmit the description of the robbers and their car to the telegraph bureau, as well as all other important information concerning the conditions, especial-

ly changes of direction, if any, made by the robbers during the chase.

The following important points should be noted, if possible, when criminals are escaping in an automobile:

**License number of car, make of car, number and description of passengers. Direction going (also change of direction). Kind of body—how many doors. Steering wheel—on right or left side Color of car. Size of car—heavy, medium or light. Radiator—location and general shape. Hood—shape; location of ventilators, if any. Mudguards—shape. Lights—whether dim or glaring; shape; location. Tail light—exact location; whether shining on license plate from above or from the side. Rear views—presence of any such thing as tool box, tire carrier, gas tank, baggage rack, bumpers or shock absorbers, shape of rear windows. Hub caps—material (brass, nickel or painted); shape. Wheels—disc, wire or wooden. Injuries—broken lamp; hub cap missing; mudguard bent; dents, etc. Accessories—tires, etc.; where placed on car.**

#### ANSWER TO 12 (b)—

One of the patrolmen from the radio car should remain in the rear yards and cover the rear of the tenement houses. The other should return to the radio car, notify the telegraph bureau by radio of the facts and request that assistance be sent to search the tenement houses. Then he should cover the front of such houses until assistance arrives.

When the policemen sent to assist arrive, they should be given a description of the robbers. A cordon should be established around the row of tenement houses. Each house should be systematically searched until the robbers are either found or their escape is a positive fact.

#### ANSWER TO 12 (c)—

(1) The telegraph bureau officer receiving this information should record it and call the attention of a superior officer to it, if one is present. Then he should take the action prescribed by the regulations of his department.

Departmental regulations in respect to the action that

should be taken in such cases are not the same in all police organizations, and not many police organizations have radio-patrol cars that are equipped with two-way radio sets. Hence information of the kind described above is usually transmitted by telephone to the telegraph bureau when the radio-patrol cars of the police organization concerned are only equipped for receiving messages.

Some police organizations, especially those policing rural sections, on receipt of authentic information that a criminal in a car is going, or is likely to go, through their territory, cover the highways he is likely to use, in accordance with plans previously established.

Some police organizations block the passage of such a criminal by stopping all vehicular traffic in the locality where he is suspected to be until a search has been made for him. Traffic lights are usually used for this purpose. This method is sometimes used when a police car is in pursuit of a criminal's car.

In the City of New York, telephone, telegraph, teletype, radio, and wireless telegraph are all used in the handling of police communications. The police department has direct teletype contacts with seven states; moreover, teletype messages are relayed, through cooperation with other police organizations, to practically all parts of the United States. The department has about 525 radio-patrol cars, some of which are at present equipped for receiving only. Its emergency trucks and detective cruiser cars and the boats patrolling its 580 miles of waterfront are also radio equipped. In all, there are about 610 cars and boats so equipped.

When information that one or more criminals are escaping in an automobile is received from a reliable source by the telegraph bureau in New York City, action is taken in accordance with the gravity and nature of the crime. Usually, when the crime is a minor one, only the radio-patrol cars in the locality are notified. If the fugitive in the car has committed a serious crime like that described in the problem, the action taken by the telegraph bureau is usually as follows—

All cars are called, and their crews are informed of

the facts, especially descriptions of the criminal and his car and the direction in which he is going. One or more of the cars patrolling in the vicinity of the crime are directed to go to the scene, and crews of cars patrolling in precincts where the criminal is likely to be or to go are instructed to be very alert, and to notify all foot patrolmen of the facts. (The detective cruiser cars are among those to be notified in such cases.)

The following telephone notifications are usually made in such cases:

The desk officer on duty in the precinct where the crime occurred, and likewise the detectives on duty in that precinct; the chief inspector; the commanding officer of the detective bureau; the commanding officer of the detective district where the crime occurred. In very important cases, the police commissioner is also notified forthwith. Technical bureaus are notified when the occasion requires it.

If it is likely that the criminal will use a bridge, ferry or tunnel to effect his escape from the city or from the particular borough where he is supposed to be, the police units concerned are notified by telephone and directed to cover all such exits.

(2) The telegraph bureau, on receiving such additional information, would usually notify all the officers it had previously notified and give them the new facts. It would direct radio-patrol cars in the vicinity of the tenement houses to go there and aid in the search. It also would notify the desk officer of the precinct where the tenement houses were located and the detectives on duty in that precinct. The desk officer would send additional assistance to search the tenement houses, if necessary.

An emergency truck would also be sent to the tenement houses in this case. These trucks have a crew of one sergeant and ten patrolmen.

#### ANSWER TO 12 (d)—

(1) Fingerprints of at least one of the suspects may be found on the following articles:

Revolver and money left by the robbers in the aban-

doned car; the car itself; the cash register from which the money was taken.

(2) When a revolver is fired, tiny particles of nitre are usually propelled backward by the powder gases, and often some of them become imbedded in the skin of the hand that held the gun, especially around the crotch and upper side of the forefinger. They can usually be found there for about 72 hours thereafter.

(3) The suspects would be put in line with several other men and allowed to take any place in the line they desired. Smith would then inspect the line and would be instructed to place his hand on each of the robbers—if he saw them in line—and at the same time announce—"This is the man who robbed me." If Smith identifies the suspects, the names of all the other persons in the line should be taken by the officer conducting the identification, who should also make a record of the facts of the identification.

### PROBLEM 13—

A groceryman, having forgotten some documents in his grocery store, went there to get them about 1 a. m. While he was unlocking the street door of the store, he peered through the glass and saw a burglar rush from behind the counter and jump through a window in the rear of the store. The window opened on a small vegetable garden. The grocer immediately shouted: "Burglars!"

You and three other detectives were patrolling the neighborhood in an automobile. You heard the outcry and rushed to the scene. The grocer gave you a brief account of the facts and a general description of the burglar, including his clothing. There was no sign of the burglar in the rear garden. He had evidently climbed the fence and fled towards the houses in the street to the rear.

Subsequent investigation showed that the burglar had gained entrance by sawing the iron bars of the rear window, that he had forced open the cash register and taken from it a small amount of cash and a pawn ticket

for a diamond ring, and that in his hurry to make his escape he left his coat, his hat, and a hack-saw in the store. Assuming that you were the detective in charge of the case—

(a) What action would you take to effect the immediate arrest of the burglar?

(b) What subsequent action would you take to effect his arrest if he escaped from the locality at the time of the occurrence without being known?

#### ANSWER TO 13 (a)—

With the aid of the two detectives with me and that of any other policemen who arrived on the scene, I should take the following police action—

1. Signal for assistance.
2. Order the two detectives to cover the rear street in the automobile, instructing them to pick up any person answering the burglar's description whom they may find in the locality, especially a person without a hat and coat, and also to keep the buildings where the burglar may be hiding covered until assistance arrives.
3. Notify police headquarters (telegraph bureau) of facts, including a description of burglar and fact that he is without hat or coat. Also request the operator to broadcast an alarm and to send a few radio cars to the scene.
4. Notify desk officer of facts by telephone, and request him to broadcast a local alarm and to send some uniformed patrolmen to the scene.
5. Keep rear of houses toward which burglar fled under observation until they have been searched for him.
6. On arrival of assistance, unless the burglar has already been arrested, establish a cordon around the buildings where he may be hiding and thoroughly search them for him.
7. If burglar is arrested at scene and admits his guilt, take his confession in writing and have him sign same; have him identified by grocer; take stolen property from him and have same marked as evidence; return his coat



and hat to the burglar; take further routine police action in accordance with police regulations.

8. If he is arrested at scene and denies his guilt:

(a) Have him placed in lineup for identification by grocer;

(b) Search him for stolen property, and if it is found on him mark it as evidence. If it is not found on him search for it where he may have dropped it;

(c) Search his hat and coat for evidence that would establish his ownership, and with like object put the hat and coat on him and note the fit, and whether or not the coat matches his pants and vest. Hold such garments for evidence;

(e) Search premises for his fingerprints and make comparison;

(e) Search premises, especially garden, for footprints, and compare any found with suspect's shoes. Also examine his shoes for clay that may have adhered to them when he crossed garden. Take a sample of the clay, if any, found on his shoes, and also a sample of the clay from footprints (if any) found in garden, and have both samples analyzed for comparison;

(f) Note any marks on hack-saw that may be a lead in establishing his ownership;

(g) Take further routine police action in accordance with regulations.

#### ANSWER TO 13 (b)—

I should endeavor to establish his identity by developing the clues found, and also by questioning any witnesses who may have seen him at the scene of the occurrence. I should further—

If successful in establishing his identity or in obtaining a distinctive description of him, have an alarm broadcast and circulars posted in police stations, etc. Look for him in all places where he is likely to be found. Place a stop-order on the diamond ring in the pawnshop where it was pledged. Have the pawnshop covered, and arrest any person who comes there to redeem ring, or instruct

the pawnbroker to notify the police if such a person comes to the shop.

#### PROBLEM 14 (Counterfeiting)—

(a) Briefly discuss the usual units in a well organized band of counterfeiters and how each unit operates.

(b) What are the common methods used by professional counterfeiters in making currency notes?

(c) If you were comparing a suspected currency note with a genuine one, what points on the suspected note would you be particular to observe? Answer briefly and give your reasons.

(d) Describe briefly the principal methods of making counterfeit coins. Also describe the difference that is usually found between a genuine coin and a copy made by such methods.

(e) If you arrested a suspected coiner for having counterfeit coin in his possession, what additional evidence would you be likely to find on his clothing or in his pockets?

#### ANSWER TO 14 (a)—

A well organized band of counterfeiters is usually divided into three units—the backer, the makers and the distributors.

The backer organizes and finances the enterprise. Sometimes he has partners with authority almost equal to his own. He usually endeavors to keep in the background and to keep each unit separate, so that if one unit is detected it will not supply a lead to the others. In this connection he tries to anticipate the action that would be taken by the Secret Service if it discovered a unit. Following are some of the precautions he may take to counteract such a contingency:

After a required batch of spurious money is printed, it and the plates are removed from where it was printed to some other place, so that if the printing plant is detected operations may be resumed elsewhere. Materials used in the process, especially inks, paper and machinery, are usually purchased at widely separated points. Very

cautious bands usually do not circulate the counterfeit in the city or town where it is made if the community has a comparatively small population.

The **maker unit** usually consists of an expert hand engraver if the plates are being made by hand, whereas if they are being made by the photo-engraving or any other process, one skilled in that line does the job. The printing of the bills from plates may be done by the makers of the plates, or a printer may be employed for that purpose.

The **distribution unit** may be composed merely of passers, but usually there is a dealer or jobber, who purchases the counterfeit in lots for a certain percent of its face value. The spurious money may take devious courses after it reaches the jobber's hands, passing from one crooked dealer to another, at a profit to each seller, before it is put into circulation.

The passers may be professional and either male or female. They victimize unwary merchants and traders of all kinds. When the counterfeit is of small denomination, the victims are often small merchants, gas station operators, taxicab drivers, ticket sellers and the like.

Semiprofessional passers of counterfeits are usually members of the half-world. Many of them are employed as bartenders, waiters, ticket sellers, etc., in low resorts, night clubs and like places. They pass the counterfeits on unwary or intoxicated customers, especially those who are apparently out-of-town visitors. Between the professional passers and honest citizens is a class of unscrupulous persons who knowingly pass along to others counterfeits that have been passed on themselves.

When a passer of counterfeit money is caught in the act and arrested, he may not be able to lead the authorities to the original source of supply, even when he is willing to do so. Hence the Secret Service does not usually take drastic action until it has found the source and the ringleader or leaders of the band.

**ANSWER TO 14 (b)—**

The counterfeit is usually printed from a plate which has been hand engraved or photo engraved from a genuine model. While straight photography and the photo transfer process is occasionally used for this purpose, a counterfeit so made is a crude imitation that even an average citizen would be likely to detect.

Raising the face value of a currency note by adding a cipher to the figure or otherwise changing the numerals is a method sometimes used. This form of counterfeiting would certainly not be successfully practiced if the person who is tendered such a note knows that our currency notes bear the following portraits: \$1, George Washington; \$2, Thomas Jefferson; \$5, Abraham Lincoln; \$10, Alexander Hamilton; \$20, Andrew Jackson; \$50, Ulysses S. Grant; \$100, Benjamin Franklin; \$500, William McKinley; \$1000, Grover Cleveland; and \$10,000, Salmon P. Chase.

Furthermore, if ink has been used to change the numerals, it will blur if rubbed with a moistened finger. If the original numerals have been rubbed out or removed with acid, evidence of that fact will usually be apparent if the note is held up to a strong light or inspected with a microscope.

Amateur counterfeiters of currency notes use methods peculiar to themselves. A woman amateur recently made some \$20 notes on a mimeograph machine and tinted them in with water colors. She managed to pass a few before she was arrested.

**ANSWER TO 14 (c)—**

The following are some of the principal points of the suspected counterfeit that should be compared with those of the genuine note:

General appearance of the bill; the portrait as a whole; hair, eyes, nose, mouth and cheeks of portrait; numerals, landscapes, signatures, printing and lettering, color of ink, kind of paper.

In the genuine note, each feature is accurate, clear, distinctive and a sample of the workmanship of a master

craftsman. The kind of ink used is distinctive and cannot easily be procured by unauthorized persons. The paper is manufactured exclusively for the government, and it contains tell-tale red and blue fibres.

On the other hand, one or more of the following flaws are always found in a counterfeit note:

Portrait has an unnatural expression and shading on its background, is blacker than it should be; hair is clumsily executed; eyes are expressionless, looking like dots; nose does not stand out from the face as it should; mouth is like a slit and expressionless; cheeks appear to be sunken more than in the genuine; numerals show evidence of tampering; landscape is artificial in appearance; signatures appear labored; printing and lettering are poorly executed and not evenly inked; ink is dull and not exactly right in color.

The paper used by skillful counterfeiters is usually bond paper that is somewhat like government paper. As a rule, there are no red and blue fibres in it. Sometimes, however, counterfeiters put silk fibres or hairs between two sheets of paper and then press the sheets together to print spurious notes on them. Counterfeiters have also tried to deceive by drawing or stamping lines which look like fibres on the surface of the counterfeit note. Some counterfeiters, however, have in recent years found a method of adding fibres to the paper they use, and the deception is not easy to detect by amateur tests.

**Supplementary Points**—A typical Secret Service warning bulletin on counterfeits usually shows some other important points that should be observed when comparing a suspected counterfeit note with one known to be genuine.

The check letter on the bill is a very important point. In a genuine note it always tallies with the serial number, whereas in a counterfeit it usually does not.

One of the methods used to ascertain if the correct check letter is on a note is to divide the serial number by 6; then, if there is no remainder, the check letter should be either F or L, while if there is a remainder,

the check letter should be either of the letters opposite the figure representing the remainder in the following group:

#### REMAINDER

1	.....	A or G
2	.....	B or H
3	.....	C or I
4	.....	D or J
5	.....	E or K
0	.....	F or L

To illustrate, if the serial number of a note happened to be 72924624, divided by 6 would give 12154104 exactly; hence the correct check letter would be either F or L. If the serial number were 89096164, division by 6 would give a quotient of 14849360 with a remainder of 4; the check letter would be D or J.

#### ANSWER TO 14 (d)—

The common methods of making counterfeit coins are as follows:

**Casting in a Mold**—When the casting method is being used, an impression of the genuine coin, reverse and obverse, is made in some suitable material. Baked molds of plaster of paris are the kind usually used. Base molten metal containing antimony or other alloy is poured into the impression, and when it hardens the coin is removed from the mold. Then gates—projecting elements provided to facilitate removal of the casting without breaking the mold—are removed and the spots left are touched up with a file. Then, if necessary, the coin is dipped in a chemical solution to give it a genuine appearance.

The surface of a cast counterfeit coin, unless the cast is perfect, is uneven and pitted. The edges of the lettering and design are rounded instead of sharp. The milling, if any, is usually irregular, defective and blemished with file-marks. Points from which gates have been removed have rough surfaces or file-marks.

**Striking Out with a Die**—The counterfeiter, using a punch which has been made for the purpose, punches from a sheet of metal a circular piece of the required

size, shape and weight. Then he stamps on it with a die operated by a press. The metal used is generally an alloy of silver. The milling, if any, is usually formed by a steel collar which fits around the die, though other devices are also used.

Struck counterfeit coins are more difficult to detect than cast ones, especially if the counterfeiter is skilled, and the dies he uses are good. All genuine coins are struck out in a die.

**Detecting False Coins**—The following practices should, in general, be followed when comparing a suspected coin—especially a struck one—with one known to be genuine.

**Observe kind of milling and number of ridges.** The milling on a genuine coin is regular and at right angles to the face of the coin, whereas in a counterfeit it is usually irregular and slanting.

**Look for flaws and marks.** Especial irregularities are apt to be found in the color and in details of design.

**Note sound.** The sound of a cast coin is duller, as a rule, than that of a genuine one. It should be remembered, however, that a genuine coin which is cracked or has some other flaw may have a dull sound, also that spurious coin may be made to ring as clearly as genuine.

**Test by biting.** The metal used in cast counterfeit coin is, as a rule, softer than that used in the genuine. A positive conclusion cannot, however, be based on this test, as struck counterfeit coins are sometimes as hard as genuine coins.

A microscope is sometimes used when a careful examination of a dangerous counterfeit coin is being made.

When a person is charged with counterfeiting coin, a metallurgical analysis of the coin in evidence is usually made before the facts are presented in a court of justice in important cases.

#### ANSWER TO 14 (e)—

When a person is making counterfeit coin, particles of the metal he is using adhere, as a rule, to his clothing and hands. If he puts his hands in his pockets, some of the metal particles on the hands are transferred to the

pockets. Hence these particles, when found on the person of a coiner, are valuable connective evidence. Of course it is necessary to prove that the metal in the coin and that on the coiner are composed of the same alloys. This proof can be obtained by analysis. If practical, coiners' clothes containing such metal particles should be forwarded to the analyst before the particles are removed therefrom.

It should be remembered that if dies, molds, metals, etc., are found in the possession of the coiner, and they match the coins on his person or in his possession, the fact is valuable connective evidence. Sometimes an oven is found in a counterfeiting plant containing evidence that plaster of paris molds have been baked in it. This is also connective evidence.

#### PROBLEM 15; INTRODUCTION—

Fibrous matter which has value as a clue leading to the perpetrator or as evidence of his guilt is often found at the scene of a crime. For instance, threads in the fingernails of a murdered person or a rope around his neck, or a piece of cloth from a burglar's clothing adhering to some sharp object in the window by which he entered, are examples which readily occur to the mind.

In this connection it should be remembered that if an article of clothing or any other article composed of sheep's wool comes in contact with any article composed of cotton, flax, or other textile, under conditions where they are pressed together, the loose surface fibres of one article, as a rule, become attached to the other article. Hence, in crimes of violence such as rape by force or homicide in which there was a struggle, fibres from the perpetrator's clothing may be found adhering to that of his victim, and vice versa. This, of course, is valuable connective evidence.

When it is necessary to determine the origin of fibrous matter, the examination should, if possible, be made by an expert analyst. If the fibrous matter is adhering to any other article, that article, if practical, should be sub-



mitted to the analyst before the fibre is removed from it. This also applies to hairs, blood, etc.

Sometimes, however, especially in cases of minor importance, it is urgent for the detective to make a preliminary classification of fibrous matter without the aid of an expert. In many cases he would be able to do so provided he had a common-sense knowledge of the methods used by analysts in making such classifications, especially those used in making microscopic and ignition tests.

Fibres are either natural or synthetic.

### QUESTIONS—

Answer the following briefly:

- (a) Under what general classification do fibres come?
- (b) What are the names of the common animal, vegetable, mineral and artificial fibres?
- (c) For what are the following vegetable fibres principally used in industry: Cotton; flax; hemp; jute; coir; kapok; vegetable wool?
- (d) For what is rayon principally used in industry?
- (e) What are the principal tests used by analysts in the classification of fibres?
- (f) What is the general preparatory procedure when fibre is being examined by the ignition test?
- (g) What would cause you to form an opinion that a fibre was one of the following if you were examining it by the ignition test: Sheep's wool; silk; cotton; linen; rayon silk.
- (h) What would cause you to form the opinion that a fibre was one of those mentioned in (g) if you were examining it by the microscopic method?
- (i) Of what are the following fibres composed?  
Alpaca; camel's hair; cashmere wool; vacuna or llama wool; mohair?
- (j) What would cause you to form the opinion that the fibres mentioned in (i) were not sheep's wool if you were examining them with a microscope?
- (k) If it was necessary for you to determine the following in an urgent case, without the aid of an expert

**analyst, what simple chemical test would you use to determine whether or not—**

1. A piece of cotton goods had been mercerized;
2. A piece of goods was a cotton and wool mixture;
3. A fibre was vegetable or animal?

**ANSWER TO 15 (a)—**

Animal, vegetable, mineral, artificial.

**ANSWER TO 15 (b)—**

The common fibres are as follows: **animal**—wool, silk, hair; **vegetable**—cotton, flax, hemp, jute, coir, esparto, kapok, vegetable wool, mulberry, raffia, jucca, etc.; **mineral**—asbestos; **artificial**—slag wool, spun glass, metallic threads, rayon, etc.

**ANSWER TO 15 (c)—**

These fibres are used in industry principally as follows:

**Cotton**—For textiles generally;

**Flax**—For linen and damasks;

**Hemp**—For coarse textiles, twine, and rope (NOTE—There are many varieties of hemp, and each kind is principally used in the manufacture of particular goods. For instance, manila hemp is used for paper and twine, and often in rope; ambari hemp in sacking and mats; and sisal in twine and rope.);

**Jute**—For sacking, textiles, footwear, furniture;

**Coir**—For coarse textiles, matting;

**Kapok**—For stuffing in upholstery; in surgery;

**Vegetable wool**—For flannels.

**ANSWER TO 15 (d)—**

Rayon is used in textiles generally, especially those used for adornment. It is also used in the manufacture of webbing, thread, incandescent gas mantles, as a substitute for horse hair, artificial feathers, artificial flowers, etc. It is often combined with other materials such as real silk, wool, cotton or worsted.

**ANSWER TO 15 (e)—**

The principal tests used are: (1) Ordinary observation; (2) the burning test; (3) microscopic examination; (4) chemical reactions; (5) microchemical examinations; (5) fluorescence or ultraviolet observation.

**ANSWER TO 15 (f)—**

The general preparatory procedure in making the ignition test is as follows:

The analyst has at hand a pointed forceps, a bunsen burner or alcohol lamp, red and blue litmus paper which has been moistened, and, if animal fibres are being examined, filter paper moistened in lead acetate solution.

The analyst grasps the specimen with the forceps, holds it briefly to the flame, and notes (1) rapidity of burning; (2) appearance of specimen at all stages of test; (3) effect of fumes on the red and blue litmus paper, and also that on the lead acetate filter paper if the specimen is suspected to be animal fibre; (4) quantity and color of the ashes; (5) odor. (NOTE—It should be remembered that the ignition test is a rough one, and as a rule an exact conclusion cannot be based on it. Hence it is usually only used in making a preliminary test. It should not ordinarily be used unless there is such a quantity of material that a portion of it can be used for this test and a sufficient amount left to make a more thorough test.)

**ANSWER TO 15 (g)—**

Wool ignites and burns slowly. The burning ceases when the burning part is removed from the flame. Its odor is somewhat pungent and disagreeable, being similar to that of burning hair or feathers. The ignited or charred ends show hot molten globules, and the residue forms itself into a black, lead-like knob. Its fumes turn lead acetate filter paper brown or black and have a blue reaction on red litmus.

Silk, if it is not adulterated, burns in the manner described for wool, except that it burns more quickly, and its odor is not as strong. Its fumes do not affect lead

acetate filter paper. If, however, a silk which is heavily weighted or otherwise adulterated is ignited, instead of forming black beads or knobs like wool or unadulterated silk, it leaves a distinct black ash which retains somewhat the shape of the original material.

**Cotton** ignites and burns quickly. Its charred ends are curled and tufted, and the burning continues for a short time after the specimen is removed from the flame. Its odor is slight and like that of burning wood. It has a blue reaction on red litmus. It leaves less ashes than animal fibres do, and its charred ends have not their characteristic beads.

**Linen** ignites quickly and burns readily. The burning continues for a short time after the specimen is removed from the flame. Its fumes cause a red reaction in blue litmus paper. Its odor is faint and not like that of burning hair or feathers. All the foregoing reactions also apply to most other vegetable fibres. The charred ends of linen, instead of being curled and tufted like cotton, are straight and blunt.

The four chief varieties of **rayon** are acetate, viscose, nitrocellulose and cuprammonium. **Acetate rayon** burns slowly like wool, and its threads, when ignited, form hot molten globules at the charred ends similar to that which appears on the burnt ends of real silk or wool. The odor, instead of being like that of burning hair or feathers as is the case in real silk or wool, has an acid odor which is somewhat offensive. Its ashes are black. The **other rayons** in the group ignite quickly, burn rapidly, have a faint odor and leave grey ashes. (Note—A rayon fibre is the only one which becomes much weaker when wet, and this feature can be used to distinguish it from other fibres. For instance, if a tightly drawn rayon thread is placed on one's tongue, the moisture will cause it to weaken, which would not be the case with vegetable or animal fibre.)

#### ANSWER TO 15 (h)—

The distinctive characteristics of the fibre can as a rule be determined by microscopic examination, if expertly

conducted, except when such characteristics have been altered during the process of manufacture, as sometimes occurs. When a fibrous article is being examined, a small piece is unraveled. Then a preliminary examination is usually made with a lens, and its appearance, color, length, and nature of ends (whether blunt, pointed or split) noted. The fibres are next examined microscopically, but before this is done the sample is generally boiled with dilute hydrochloric acid (two percent), well washed with water by decantation and dried between filter paper. This process usually frees the sample from dyes or loading and finishing materials, if any are present. (Ultraviolet light is also used to determine if the sample is dyed.)

Microscopic examination will show that:

Sheep's wool fibres have a cuticle which consists of well-defined rings and scales. The edges of the fibre show clear serrations which point from foot to tip of the fibre and resemble the teeth of a saw. These peculiarities are distinctive and enable sheep's wool to be readily distinguished from all other fibres. The fibres which most resemble it are those referred to in Question (i). (Note—Almost all fibres of animal origin have three layers—the cuticle, or exterior layer; the cortex, or secondary layer; and the medulla, or inner layer.)

Natural silk is divided into cultivated silk fibre, the source of which is the mulberry silkworm, and wild silk. The fibres of cultivated silk appear translucent, cylindrical, smooth and shiny. Sometimes the threads are double and held together with a gummy substance. Wild silk fibre is broader, more irregular in outline, and usually more furrowed in its surface in a lengthwise direction, than the fibre of cultivated silk.

Cotton fibre, if not mercerized, looks like ribbon that has been twisted spirally, and it has thickened edges. Its surface appears to be wrinkled, and the center cavity of the cross section has cloudy deposits. Its fibres are unicellular and taper towards round or blunt ends. Mercerized cotton looks like silk to the naked eye, and

under the microscope its fibres appear fuller than those of ordinary cotton and almost void of its markings.

The multicellular fibre of linen is straight and cylindrical with no twisting, and it tapers to a point. There are transverse lines on it, and a dark, narrow line marks its central canal lengthwise. Sometimes there are lines which resemble crosses on it.

(Note—The fibre of flax, hemp and jute is somewhat similar in appearance. It consists of a series of cells united longitudinally. Flax or hemp, however, usually has a node or ring at the point of juncture, while in jute the node is usually absent.)

R a y o n (artificial silk) looks like real silk, but the fibre is bigger and resembles a glass rod. It is best to examine such silk by the chemical or microchemical test.

#### ANSWER TO 15 (i)—

A l p a c a is a fine, soft, silky wool-like hair obtained from a species of llama. It is white, grey, brown or black, except when colored artificially. It is often used in sport garments.

C a m e l ' s h a i r is obtained from a camel, and it is long and usually brown in its natural state. Other fabrics are also called "camel's hair" in the textile trade.

C a s h m e r e is obtained from a goat which is indigenous to Tibet. It is soft and silky.

V i c u n a o r l l a m a wool is obtained from a camel-like goat which inhabits the mountains of Peru and Chile. It is often used in worsted and woollen goods.

M o h a i r is a coarse, wool-like fibre obtained from the angora goat.

#### ANSWER TO 15 (j)—

The most obvious difference between these fibres and sheep's wool is that their scales are smaller and more closely adherent to the shaft of the fibre. Also they have not the same kind of saw teeth on their edges as sheep's wool. These fibres resemble each other closely in these respects. Mohair, however, is somewhat coarser than the others, and has scarcely any overlapping scales.

**ANSWER TO 15 (k)—**

The following are simple chemical tests which may be made by any intelligent person:

1. Prepare the following solution, the ingredients for which can usually be obtained in any drug store: Iodine, 5 grams; potassium iodide (saturated solution), 25 c.c.

Immerse a small portion of the specimen in the solution for a few seconds. Then wash with water.

If the specimen has been mercerized it will be black. Otherwise, it will be brown.

2. Dissolve one heaping tablespoonful of household lye in a pint of water. Boil sample in the solution for five minutes.

If there is cotton in the mixture, it will remain. The wool will be destroyed.

3. Immerse a small portion in a solution of ferric chloride. After removing, squeeze out the surplus liquid. Then immerse in a solution of potassium ferrocyanide.

Any cotton or other vegetable fibres in the sample will be stained blue, while any wool or other animal fibres will not be affected.

4. Place a very small portion of the fibre in a five-percent solution of sodium hydrate in a test tube. Boil gently for about 12 minutes.

If the fibre is of vegetable origin, it will remain intact in the fluid.

**PROBLEM 16—**

A civil service examination was held some time ago for promotion to the rank of sergeant, New York police department. Patrolmen who competed had to take a written test on subjects pertaining to police work. About 150 questions were asked, the subjects being police regulations, laws and ordinances, administration and reports. Among the questions on law and ordinances were those given in lightface type below.

The questions are not answered here because the criminal laws are not exactly the same in all the states. Therefore, the reader who is testing his ability to answer

**the following questions correctly should check his answers with the laws of his own state.**

Two words or phrases have been omitted from each of the following sentences. The first word or phrase is among the first four keywords or phrases lettered (A), (B), (C) and (D). The second word or phrase is among the last four keywords or phrases lettered (E), (F), (G) and (H). In the correspondingly numbered spaces on the Answer Sheet, write, in the proper alphabetical order, the capital letters preceding the words or phrases which best complete each sentence.

27. An act, otherwise criminal is ..... when it is done to ..... the person committing it.

(A) permissible; (B) prohibited; (C) prosecuted; (D) justifiable; (E) offend; (F) injure; (G) protect; (H) prosecute.

30. Evidence of the fame of a house charged with being a ..... house is ..... evidence.

(A) dilapidated; (B) condemned; (C) disorderly; (D) dangerous; (E) circumstantial; (F) competent; (G) corroborative; (H) direct.

31. To constitute an attempt to commit a crime ..... beyond mere ..... is necessary.

(A) a criminal intent; (B) an overt act; (C) malum in se; (D) a felonious purpose; (E) consummation; (F) preparation; (G) interruption; (H) examination.

34. The ..... of a crime is determined by the kind and extent of the ..... which may be inflicted therefor.

(A) grade; (B) extent; (C) kind; (D) nature; (E) punishment; (F) probation; (G) pain; (H) torture.

39. No person can be convicted of murder unless the ..... and the ....., as alleged, are each established as independent facts, the former beyond a reasonable doubt and the latter by direct proof.

(A) criminal intent; (B) death of the person alleged to have been killed; (C) motive; (D) fact of the killing by the defendant; (E) deliberate and premeditated design; (F) fact of the killing by the defendant; (G) an



act immediately dangerous to others; (H) death of the person alleged to have been killed.

For each pair of crimes listed below several elements are suggested as necessarily common to both crimes. In the correspondingly numbered spaces on the answer sheet, write in proper alphabetical order the capital letters preceding all of the elements, if any, necessarily common to both crimes. If no elements given are common, indicate that fact by the appropriate capital letter.

49. Extortion and Blackmail.

(A) wrongful obtaining of property of another; (B) by force or fear; (C) by means of a writing; (D) under color of official right; (E) none of the foregoing elements are necessarily common to both crimes.

50. Larceny and Burglary.

(A) assault; (B) criminal intent; (C) break and entry; (D) appropriation of the property of another; (E) none of the foregoing elements are necessarily common to both crimes.

51. Extortion and Robbery.

(A) force or fear; (B) consent of victim; (C) unlawful taking of another's property; (D) intent to kill; (E) none of the foregoing elements are necessarily common to both crimes.

52. Riot and Unlawful Assembly.

(A) use of force or violence; (B) three or more persons; (C) threats of injury; (D) disturbance of public peace; (E) none of the foregoing elements are necessarily common to both crimes.

53. Abduction and Kidnaping.

(A) victim must be of previous chaste character; (B) victim must be a female; (C) force; (D) unlawful intent; (E) none of the foregoing elements are necessarily common to both crimes.

54. Murder and Manslaughter.

(A) deliberation and premeditation; (B) design; (C) motive; (D) death of victim; (E) none of the foregoing elements are necessarily common to both crimes.

**Note**—The above numbers do not run consecutively because some of the questions have been omitted.

The object of this problem is to provide a method by which a policeman, or any other person concerned, can test his knowledge of the criminal law, especially in respect to difficult questions.

### PROBLEM 17 (Test of Knowledge of Criminal Law)— INTRODUCTION—

The problem is divided into two parts, as follows:

Part I contains various statements, each of which is numbered and followed by a blank space. Each of these statements, with some exceptions, contains facts which constitute one or more crimes.

Part II contains the names of various crimes, each of which is numbered. Excusable homicide, justifiable homicide and juvenile delinquency are included in this list of crimes.

### INSTRUCTIONS—

Read each statement in Part I separately and, after reading it, examine the list of crimes in Part II.

(a) If, in your opinion, the facts mentioned in that statement constitute one or more of the crimes named in Part II, put the number of each such crime in the blank space following the said statement or on other paper.

(b) If the facts in the statement do not constitute any crime, put the letter "y" in the blank space; and if you are in doubt, put the letter "z" there.

(c) If, in your opinion, the facts in any statement in Part I constitute some crime not named in Part II, write the name of such crime or crimes on the blank line under the statement.

Remember that more than one statement may be an example of the same kind of crime, and also that some of the crimes mentioned in Part II do not match any of the statements in Part I.

### PART I (Statements)—

(1) Hayes entered Ryan's barroom and ordered a glass of whiskey, the price of which was 25 cents. Ryan served

the whiskey, and Hayes handed him a \$50 bill, saying—

“This is the smallest I have. Take the price of the whiskey out of it and give me the change.”

Ryan had sufficient change in his cash register but did not wish to deplete it, so he handed the bill to Boler, a customer who was standing at the bar, and said—

“Please take this to the bank across the street and get it changed. Come back as quickly as possible.”

Boler took the \$50 bill to the bank and got change for it. Then he absconded with the change.

Hayes, after waiting a reasonable length of time, became impatient and demanded his \$49.75 change from Ryan.

Ryan telephoned to the bank and learned that Boler had changed the \$50 bill there and had left. Convinced, under the circumstances, that Boler had made off with the change, Ryan said to Hayes—

“I will not give you any change. I gave your \$50 bill to Boler to get change for it, and he has stolen the money.”

Hayes left the barroom and complained of the occurrence to the police. ....

(2) Forrest, who had just been released from prison on parole, was walking along the street smoking a cigar when a partly intoxicated policeman, in uniform, accosted him and rasped—

“Take that cigar out of your mouth!”

Forrest stared in amazement at the policeman and did not obey the command.

The policeman became angry, snatched the cigar out of Forrest’s mouth and threw it into the gutter. Then, grasping Forrest by the coat collar, he growled—

“I’ll make you do what you’re told. You’re under arrest.”

Forrest, to free himself from the policeman’s clutches, punched him on the nose, breaking it. Then he ran away, pursued by the policeman. The policeman fired several shots at Forrest during the chase but missed, and Forrest escaped. ....

(3) Vera Burns, a registered nurse, thinking that bichlorid of mercury tablets were aspirin tablets, administered them to Finer, her patient, and thereby caused his death. ....

(4) Biller and Satallo, both of whom were 15 years of age, acting in concert, took a 6-year-old boy from the street in front of his home and confined him in the cellar of a vacant house located in a nearby street. They then wrote a letter to the boy's father, demanding \$500 ransom, and mailed it. After doing so they became frightened and released the boy, who then returned to his home. ....

(5) Roftsky boarded a public bus, the fare on which was five cents. He tendered a \$5 bill for his fare to Riley, the bus driver. He explained that that was the only money in his possession. Riley replied that he did not have change for the \$5, and requested Roftsky to leave that bus and take the one that was following it at a short distance. Roftsky refused to leave Riley's bus. Consequently, Riley stopped the bus, took hold of Roftsky and commenced to push him out of the bus. Roftsky resisted, and during the ensuing struggle he slipped on the step of the bus, fell to the street and fractured his skull on the pavement. ....

(6) Wilson gave a promissory note to Johnson for \$500. Johnson left the note on a desk in his office. Ross, a porter in Johnson's office, stole the note; but after examining it he concluded that it was of no value to him, and he tore it up. When Johnson missed the note he assumed that he had lost it, and so informed Wilson. Wilson gave him another promissory note in place of the first, so that Johnson suffered no permanent loss. ....

(7) Hasset, while driving an automobile through a public street on the right side of the roadway, at a lawful rate of speed, collided with Johnny Turner, who was in the roadway heedlessly running after a ball. Johnny was instantly killed. Without stopping to identify himself to anyone who might have seen the accident or have come on the scene immediately afterward, or to

investigate, Hasset drove to the nearest police station and told the desk officer what happened. The latter, seeing that Hasset was intoxicated, notified a police surgeon by telephone. The surgeon arrived at the station-house a few minutes later and examined Hasset. Then he made an entry in the desk blotter relative to Hasset's condition. An important part of that entry was as follows:

"In my opinion, Hasset is so drunk that he is not in position to form a judgment or exercise his will, and he was in that condition when the automobile he was driving struck Johnny Turner."

Assume that the police surgeon's statement was correct. ....

(8) The proprietor of a cigar store, on entering it one morning, found Scott, the salesman in charge of the store, lying behind the counter, tied with rope, a bruise on his face, and the safe in the store open.

Scott told the proprietor that, about an hour previous, a robber had entered the store, struck him on the face with a blackjack, tied him with rope and stole the contents of the safe—\$90.

Investigation by the police showed that Scott and Frazer—an ex-convict on parole—had acted in concert in the theft, and that Scott, with the object of misleading his employer and the police, had allowed Frazer to tie him and to strike him lightly on the face with a blackjack. ....

(9) Late one night Burdock saw a man unknown to him—later identified as one John Lowr—digging with a spade around the roots of a young beech tree which was growing on Burdock's lawn, in front of his house.

Burdock ordered Lowr to leave the lawn. Lowr raised the spade threateningly and said—

"I want this tree and I'm going to take it. If you try to stop me I'll brain you with this spade."

Burdock, being in fear of injury, left the lawn and entered his house. Lowr then uprooted Burdock's tree and took it away. Its value was about \$20. ....

(10) At the time a robbery was committed on First Street, Black was on Tenth Street, while Ramsey was on Twentieth Street.

When Black was being tried for the crime, Ramsey was a witness for the defense. Ramsey swore positively that Black was on Tenth Street at the time of the robbery—which was true in fact. ....

(11) The proprietor of a second-hand bookstore sold a rare book—not being aware of its real value—to Swaithe, a dealer in books, for one dollar. Swaithe, however, knew that the market value of the book was \$200, and he had a customer who was willing to pay that price for it. After he paid for the book, he laid it on the counter in the second-hand store while making other purchases there. Wolf, a sneak thief who was in the store, stole the book and carried it away. ....

(12) Fox was straddling the boundary line dividing two states. He had a revolver in the boot that was on his right foot, and this foot was planted in a state that had no law prohibiting the carrying of firearms without a permit, whereas in the state in which Fox's left foot rested it was a crime to carry a concealed weapon without a permit from proper authority. Fox had no permit.

.....

## PART II (Crimes)—

- 1—Assault, third degree (simple assault)
- 2—Blackmail
- 3—Carrying dangerous weapons
- 4—Conspiracy
- 5—Disorderly conduct
- 6—Driving automobile while intoxicated
- 7—Extortion
- 8—Attempted extortion
- 9—Excusable homicide
- 10—Felonious assault (by Forrest)
- 11—Felonious assault (by policeman)
- 12—Felonious assault
- 13—Grand larceny

- 14—Justifiable homicide
- 15—Juvenile delinquency
- 16—Kidnaping
- 17—Leaving scene of accident unlawfully
- 18—Manslaughter
- 19—Oppression
- 20—Petit larceny (by Ryan)
- 21—Petit larceny (by Boler)
- 22—Petit larceny
- 23—Perjury
- 24—Robbery
- 25—Violation of parole
- y—No crime
- z—Doubtful

**To Check Your Answers—**The answers are not given here because the law is not exactly the same in all of our states. Therefore, if you are doubtful of your answers, you should consult an authoritative source, such as a lawbook pertaining to the subject-matter, a police training school or a professor of law.

## CHAPTER XXIII

### DEFINITIONS

*(Courtesy of Delehanty Institute)*

**ABET** —To encourage or set another on to commit a crime.

*Example*—In murder, one who commands, procures or counsels a person in the commission of the murder.

**ADMISSION**—Used chiefly in civil cases. Distinguished from confession in that it is a statement of fact from which guilt may be inferred.

**ASYLUM STATE**—The State in which a fugitive from justice from another State, which is demanding his return, is found.

**ATTACHMENT**—Taking into custody of the law a person or property of one already before the court, or of one whom it is sought to bring before it.

**BALLISTICS**—The science of the study of projectiles (bullets) and firearms. The theory is that bullets and firearms have individual markings in the same respect with persons and fingerprints.

**BEST EVIDENCE RULE**—The rule of procedure in a tribunal that requires the contents of a writ-



ing to be proved by producing the writing itself, when it is in issue, unless sufficient reason is shown for not doing so. Reason: To prevent mistake.

**BURDEN OF PROOF**—Necessity of establishing the existence of fact. Duty which a party has of creating during trial a *prima facie* case in his favor. Criminal: State has burden to show guilt beyond a reasonable doubt.

**CARNALLY KNOW**—Sexual bodily connection. Generally applied to the act of the male.

**COMMUNISM**—The doctrine which aims at the control of government by the workers and farmers, and the overthrow of government, alleged to be in the hands of the “capitalists” or monied classes, by revolution and force, if necessary.

**COHABIT**—To live together in the same house. Does not necessarily imply occupying the same bed or sexual intercourse.

**CONSTRUCTIVE POSSESSION**—One not actually in possession, but the law treats him as if he were.

**CONSTRUCTIVE PRESENCE**—That which exists in contemplation of law without actual presence. One on watch outside while others are inside committing a crime.

**CONTIGUOUS (Building)**—When a building is so situated in regard to another as to be in such close proximity that the natural result of the burning of one would cause the other to burn. (Touching with; adjoining).

**CONTUMACY**—Refusal or neglect of a party accused to appear or answer to a charge made against him in a court of justice.

**CERTIFIED COPY**—A copy to which is added a certificate under hand and official seal of the public officer authorized to certify the same, stating that he has compared the copy with the original document on file in his office and that it is a correct transcript thereof and of the whole of the original.

**CRIMINAL CONVERSATION**—Term to denote the act of adultery in a civil suit brought by the husband of the married woman with whom the act was committed, to recover damages of the adulterer.

**CRIMINAL INTENT**—Usually partakes of deliberateness, knowledge, object and like. Absence of often indicated by the idea of mistake, good faith, reasonable belief, etc. Generally when a wrongful act is done, the law infers there was criminal intent. Use of a deadly weapon—the intent to take life may be inferred.

**DEMURRER**—An objection raised in a point of law that the pleading (indictment) of the opposite party is insufficient to sustain the action and referring it to the court for decision. It admits the facts but alleges they are insufficient.

*Example*—Indictment: one may demur on grounds that the grand jury had no authority because of the fact the crime was committed in another county. Facts admitted do not constitute crime.

**DURESS**—Violence or threats, personal restraint or fear of injury or imprisonment to such a degree which is sufficient to overcome the mind of a person of ordinary firmness. Confession obtained by duress is said to be involuntary and is inadmissible in evidence. *Per menas*: By threat. *Of imprisonment*: Actual imprisonment without cause.

**EMBEZZLEMENT**—Fraudulent appropriation of property by a person to whom it has been entrusted or to whose hands it has lawfully come. Distinguished from “larceny” in that the original taking of the property was lawful or with the consent of the owner, while in larceny there must be the felonious attempt (to steal) at the time of the taking.

*Example*—One embezzling is chargeable with larceny—degree depends on amount.

**EVIDENCE**—Proof is the effect or result of evidence. The evidence (distinguished from proof) or information may not be sufficient to establish the alleged facts.

*Example*—It may be shown that defendant charged with counterfeiting was in possession of spurious coin; tools for the making of money, etc. Testimony concerning any one of these might be evidence to show guilt, yet not sufficient to be proof.

**EXECUTION**—Accomplishment of a thing; completion of an act or instrument; fulfillment of an undertaking. Contract is executed when the act to be done is performed. Deed: When

signed, sealed and delivered. Putting a convict to death in pursuance of his sentence. Putting the sentence of the law in force. The order or writ which directs and authorizes the officer to carry into effect such judgment.

**FALSE IMPRISONMENT**—Any unlawful general restraint of a person's liberty, whether in a place used for imprisonment or for the particular occasion. Malice is not a necessary element. It can be by words and an array of force.

**FORNICATION**—Unlawful sexual intercourse by an unmarried person with another. In some jurisdictions it is a crime. In New York it is not unless some other provision of law is thereby violated.

**GESTATION (Period of)**—From conception until birth. The time during which a female who has conceived carries the embryo.

**HEARSAY**—Evidence that depends for its force and value in whole or in part on some person other than the witness. Generally it is incompetent to establish a specific fact because the witness is not testifying as to matters within his own knowledge, but from information obtained from another. Certain exceptions: dying declarations; *res gestae*; etc.

**HOMICIDE**—(Latin *homo*, man; *caedere*, to kill). The killing of any human creature.

*Fratricide*: (Frater, brother). Killing of one's own brother.

*Infanticide*: (Infans, new born infant). Killing of one's own child.

*Matricide*: (Mater, mother). Killing of one's mother.

*Patricide*: (Pater, father). Killing one's own father.

*Uxoricide*: (Uxor, wife) Killing of one's own wife.

**HYPOTHETICAL QUESTION**—A question put to an expert witness containing a recital of facts assumed to have been proved or proof of which is offered in the case and requiring the opinion of the witness thereon. Pistol expert after examining pistol and cartridge is asked whether a cartridge so marked could have been fired from the pistol.

**IN CAMERA**—A case is said to be heard "In Camera" (in chamber) when the doors of the court are closed and only persons concerned in the case are admitted. This is done when the facts are such as to make a private hearing expedient.

**INCRIMINATION (SELF)**—Compelling a person to be a witness against himself. Not only shall he not be compelled in any criminal proceeding to testify against himself, but the constitution insures that he shall not be compelled when acting as a witness in any investigation to give testimony concerning anything which may tend to show that he himself has committed a crime.

**IN PERSONAM**—Actions, proceedings, judgments, etc., against the person in distinction to those against an object, etc.

*Example*—Criminal actions; negligence; action for damages.

**INSANITY (General)**—Unsoundness or derangement of mind.

*Idiot.* One having an extreme deficiency mentally, caused by incomplete or abnormal development, usually due to the disease or injury to the brain in early childhood. No legal responsibility.

*Imbecile.* Usually one of less deficient development and usually some capacity for improvement.

*Lunatic.* Originally one who had lucid intervals. (Moonstruck) Term rarely used in technical medical language.

*Mental Incompetent.* One who is not responsible legally for any acts done because of a deficiency of the mind. Legal defense: He did not know the nature and quality of the act because he was laboring under a defect of reason from disease of the mind.

**IN EXTREMIS**—(*Dying declaration*). Where a person is beyond hope of recovery and near death.

**INFAMOUS CRIME**—A crime *punishable* by imprisonment with or without hard labor in a State Prison.

**OBSCENE**—Offensive to chastity or modesty. Impure.

**OVERT ACT**—An act which shows the intention; implying some physical force in distinction to the mental, tending toward the carrying out of the plan. Overt act necessary to convict for treason.

POST MORTEM—(Lat., after death). A post mortem examination is one made of a dead body to ascertain the cause of death.

PRECEPT—A writ or order directed to some officer commanding him to do something.

PRESUMPTION—That which is based on probability, inferred from the existence of one fact.

*Of Law* (Conclusive): When one fact is shown, the law regards it as a certainty. Where a child is under 7, the law presumes conclusively that it is incapable of committing a crime.

*Of Fact* (Rebuttable): When a fact is shown to exist, the law regards it as sufficient to make out a *prima facie* case. A child is presumed legitimate unless it can be proved it is not.

PRIMA FACIE. (Lat., at first appearance)—Evidence is said to be *prima facie* when the law regards it as sufficient to establish the fact, unless rebutted.

*Example*—A person discharging a revolver at another. It is a *prima facie* case of assault with intent to do serious injury.

PRIVILEGED COMMUNICATION—Term used to designate any information derived from another by reason of the confidential relationship existing between the two; as husband and wife. The court will not permit one to disclose such communication.

PSYCHIATRY—The science of mental diseases.

QUASI CRIMINAL—Offenses, not crimes, but which are in the nature of crimes, and are wrongs against the general public.

*Example*—Proceeding to compel the father of an illegitimate child to support it.

JEOPARDY (DOUBLE)—When a person is twice put on trial for the same offense. The Constitution provides that no person for the same offense shall be twice put in jeopardy of life or limb.

JUDICIAL NOTICE—Is the knowledge which a judge will officially take of a fact without proof. It dispenses with the necessity of offering evidence as to such fact.

*Examples*—Laws of the State, etc.

JURAT—That part of an affidavit where the officer (notary public, etc.) certifies that the same was sworn to before him. Usually, "Sworn and subscribed before me on the (date) (signature and title of officer)."

JURISDICTION—The authority or power which one has to take cognizance of and decide a cause. Generally applies to courts.

*Concurrent*: That which is possessed over the same parties or subject matter at the time by two or more separate tribunals.

MALICIOUS PROSECUTION—Institution of judicial proceedings, civil or criminal, against another maliciously and without probable cause;

*Example*—One who is prosecuted for larceny on mere suspicion, or out of spite.



**MISCEGENATION**—(Lat., *miscere*, to mix; *genere*, to beget). The inter-marriage of persons of mixed races (black and white). In some states (Southern) it is a crime.

**MORBID PROPENSITY**—The disposition or inclination (*resistable* or *irresistable*) to commit an unlawful or unnatural act by an individual who has the ability to discover the legal duty. It is no defense. But where there is controlling disease which was the acting power and could not be resisted, or insufficient reason to control the passion, then the person is said to be mentally incompetent.

**NOLO CONTENDERE** (A plea) (Lat. *nolo*, I do not wish; *contendere*, to contend) — A formal declaration by accused, that he will not contend with the prosecuting authority. (Federal Court) Supreme Court held in the Morris case that it was equal to a confession of guilt.

**NOLLE PROSEQUI** (Lat., to be unwilling to prosecute) — Entry on record (federal court). Plaintiff or prosecuting attorney voluntarily declares that he will not further prosecute a suit or indictment or a particular count in either.

**NON COMPOS MENTIS**—A person is said to be, when he is of unsound mind, memory or understanding. It includes all species of mental incompetency.

**REPUBLICAN FORM OF GOVERNMENT**—A government by representatives chosen by the people. The Constitution guarantees to every State a

Republican form of government. Restricts the people in general from enacting laws.

**RES GESTAE** (Lat., thing done)—Declarations or statements which accompany an act and tend to explain or to make clear the character and quality of the act are admitted in evidence. Anyone hearing may testify concerning the statements, which if not accompanying the act would be regarded as hearsay. Person being stabbed exclaimed: "Del Vermo, you killed me." One hearing this could testify.

**SCIENTER**—Guilty knowledge; knowingly, wilfully. Term generally applied in fraud cases where it is difficult to show the intent to deceive.

**SENTENCE**—

*Cumulative*: Sentences separately imposed to be discharged one after the other. As, conviction on more than one count of an indictment. In a burglary—several crimes committed and defendant is convicted. He may be required to serve sentence for burglary and after to serve sentence for another crime committed at same time.

*Concurrent*: Sentences to run together. To be served at the same time.

*Suspended*: After a person has been found guilty of a crime, the court may not impose a sentence but leave it hanging over the guilty one's head. This is known as a suspended sentence. If any conditions imposed at the time are violated, the court then may sentence.

*Suspension of the execution of:* After a person has been found guilty of a crime, the court may impose a sentence and direct that the guilty one shall not serve it. Upon violation of terms imposed at the time, the court may order that the sentence imposed previously be then served.

*Commutation:* The change of punishment to which a person has been condemned into a less severe one.

*Reprieve:* The withdrawal or the withholding of punishment for a time after conviction and which operates as a delay in the execution of sentence. A stay of execution. When in a capital case (punishment death), a reprieve is granted to a certain day, the warden should execute the sentence on the day the reprieve expires.

SUBPOENA DUCES TECUM (Lat., sub, under ; poena, penalty ; duces tecum, bring with you)—A process to cause a witness to appear before the body named therein, requiring him to bring books, papers, etc., which would tend to explain a matter in issue.

UTTER (FORGERY)—To offer a forged instrument, as a check ; to put it in circulation. The delivery of a check, etc., with intent to pass it off as genuine, when it is spurious. It can be uttered by words or action.

WRITS AND ORDERS—

*Mandamus:* Order of a court of higher jurisdiction to an inferior one. (May be a person,

corporate body, board or court, inferior) commanding the performance of some act, which the law provides for and enjoins.

*Prohibition*: Is an order, the purpose of which is to prevent the performance of an act or its continuation.

*Injunction*: An order restraining (stopping) the performance of an act on the grounds that an injury would be done unless so enjoined that the one seeking the injunction has no other remedy at law.

*Writ of Assistance*: A writ directed to an officer (Sheriff) calling upon him to aid in the execution of a judgment of law, in order to place the plaintiff in possession of lands.

*Writ of Certiorari*: A writ directed to a person, etc., to bring *the proceedings* under which a person is held in custody before the court.

*Writ of Habeas Corpus*: (Lat., the body you have). Directed to a person who has another in custody, to bring the person before the court and give the reason why he is being detained.

*An Order of Certiorari*: (as distinguished from a writ of) for the purpose of reviewing a proceeding held in an inferior tribunal.

The order directs the latter body to send for review the proceedings that were held therein.

It may not issue when an appeal or other remedy can be had, and is generally employed in cases where a body such as the Police Department trial court has disciplined or dismissed a member of the force.

## PSYCHIATRIC TERMS AND DEFINITIONS

**PSYCHIATRY**—A branch of medicine dealing with nervous disorders and diseases.

**PSYCHIATRIST**—A doctor of medicine, specializing in psychiatry only.

**DIAGNOSIS**—The process of distinguishing between different diseases. "What is wrong."

**PSYCHOPATH**—A person mentally abnormal other than through mental disease, epilepsy, or alcohol. Congenital; "just born that way."

**ALCOHOLISM**—Acute intoxication produced by alcohol.

NOTE—Acute means apparently sudden. Chronic means of long standing. These two terms may be applied to any form of disease.

**EPILEPSY**—A series of functional nervous conditions characterized by paroxysms, or spasms of muscular system. "Fits," loss of consciousness (complete or incomplete).

**FEEBLE-MINDEDNESS**—A type of mental deficiency. It is a mental condition, rather than a mental *disease*.

**MENTAL DEFICIENCY**—A group of mental disorders characterized by low grade intelligence. Usual causes are constitutional or inborn characteristics.

**MENTAL DISEASE**—Actual, specific, disease of the brain structure, caused by germs, injury or poisons, resulting in impairment of mentality, intelligence or reason.

**HYPERSEXUAL**—Overactive or overdeveloped sexually—Analysis: “Hyper” means overdeveloped or too much. “Hypo” means underdeveloped or not enough. Thus, “Hyposexual” is the reverse of “Hypersexual.”

**SEXUAL INVERSION**—A reversal of the natural sex instincts, resulting in the male in preference for female wearing apparel, and development of feminine ideas and points of view. In the female it results in the opposite manner. It is a form of mental deterioration involving character and personality changes.

**SEXUAL PERVERSION**—Gratification of sexual desires or instincts in infantile ways, or resorting to abnormal practices in sexual intercourse, or seeking sexual gratification in abnormal manner. It is a form of mental deterioration.

(NOTE—Often confused with sexual conversion).

**PERSONAL DIFFICULTIES**—Condition of inability to adjust one's conduct to community or group. It is a character trait recognizable by being hard to get along with, always complaining and “everything is wrong” attitude.

# APPENDIX I

## HOMICIDE REPORT FORM

RESUME OF HOMICIDE CASE		Squad No.	Case No.	POLICE DEPARTMENT City of	Borough of County of
Report of death by Detective .....		Squad No. ....		Shield No. ....	
Name of deceased		Last residence .....		Place .....	
Date and time of	{	Death .....		Reported to Police .....	
		Police arrived at scene		{ Uniform Force .....	
				{ Detectives .....	
By whom reported to police (Name) .....		Address .....			
Place of crime .....		Body found at .....		Address .....	
By whom found (Name) .....		Address .....			
Position of body when found .....					
Location of wounds .....					
Identifying marks on body .....					
Age: Years .....		months .....		days .....	
Height .....		Weight .....		Race or color .....	
Occupation .....		How long a resident of U. S. ....		Place of Birth .....	
Body photographed and finger impressions by .....		Civil condition: Married or Single .....		Shield No. ....	
Identified by .....		Address .....			
Criminal Record (Yes, No). Body searched by .....					
Property found on body .....					
Disposition of property .....				Date .....	
Body removed to .....		By order of .....			
Name of officer	{	First on scene .....		Precinct .....	
		Tagging body .....		Precinct .....	
		Taking ante mortem .....		Precinct .....	
Other statement by deceased .....				Shield No. ....	

How deceased met death	{	Shooting: Pistol, Shot Gun, Machine Gun, Revolver, Automatic, Etc. ....				
		Stabbing: Knife, Scissors, Ice Pick, Etc. ....				
		Other Weapon..... Poisoned .....				
		Strangled: Rope, Wire, Cloth, Etc. ....				
		Accidental .....				
Description of Weapon	{	{	Make .....	Calibre.....	Number.....	
			Size .....	Marks.....		
			Owner .....	Where.....	Date.....	Permit No. ....
			By whom purchased .....	Where.....	Date.....	Time.....
			Examined by .....	Date.....	Time.....	
			Weapon removed to .....	By .....	Shield No. ....	
			Weapon photographed by .....			
			Character of scene .....			
			Description of scene or premises .....			
			Scene photographed by .....		Shield No. ....	

VISIT TO SCENE

Photographer .....	Time.....	Superior Officer.....	Time.....
Stenographer .....	Time.....	Ranking Officer.....	Time.....
Medical Examiner .....	Time.....	Detectives .....	Time.....
District Attorney.....	Time.....	Uniformed Force.....	Time.....
Ballistic Bureau .....		Time.....	



PERPETRATORS:

Name .....	Arrested:	Yes	No
Name .....	Arrested:	Yes	No
Name .....	Arrested:	Yes	No
Name .....	Arrested:	Yes	No
Name .....	Arrested:	Yes	No

DESCRIPTION:

.....

.....

.....

Alarm sent ..... Date ..... Time ..... By .....

CIRCULAR PRINTED FOR

Name .....

Plants .....

Miscellaneous Information .....

MOTIVE

.....

.....

Communications Sent .....

WITNESSES

Name .....	Address .....
Name .....	Address .....
Name .....	Address .....
Name .....	Address .....
Name .....	Address .....

Evidence gathered at scene by whom .....

.....

Disposition of evidence, tagged and removed to .....  
By .....  
Clothing, jewelry, money, etc., on body .....  
.....  
Examined by ..... Tagged by .....  
Removed to ..... By whom .....  
Scene (Inside and articles) examined  
for finger impressions by .....

STATEMENTS TAKEN

Name ..... Address .....  
Name ..... Address .....  
Name ..... Address .....  
Name ..... Address .....  
Name ..... Address .....  
Clues .....  
.....  
Final Disposition .....  
.....  
.....  
Total Number of D. D. 5's .....

APPENDIX II

LAWS RELATING TO NARCOTICS

SYNOPSIS OF FEDERAL LAWS RELATING TO COCA  
LEAVES, OPIUM, AND THEIR DERIVATIVES—

1. Definitions.

When used herein in reference to the above laws—

(a) The term **practitioner** may be applied to a physician, dentist, veterinary surgeon, or any other person who may be entitled to distribute, dispense, prescribe, or administer said narcotic drugs to a patient.

(b) The term **collector** means the collector of internal revenue of the district in which liability is incurred.

(c) The term **narcotic** or **narcotics** shall be construed to refer to opium or coca leaves, or any compound,

manufacture, salt, derivative, or preparation of any of them.

(d) **Number and gender**—words importing the plural number may include the singular; words importing the masculine gender may be applied to females.

(e) The word **person**, as used herein, includes partnerships, associations, companies, and corporations; also hospitals, colleges of pharmacy, medical and dental clinics, sanatoriums, and other institutions or entities doing any of the things or subjected to any liability of which cognizance is taken herein.

(f) The word **business**, when it occurs herein in relation to the narcotic law, is held to include any of the activities specified in Paragraph 2 (a) [the next paragraph].

## 2. Taxation.

(a) Every person not in the exempt class [see Paragraph 6, below] who manufactures, produces, deals in, dispenses, or gives away opium or coca leaves, or any compound, manufacture, salt, or preparation thereof, must be registered with the collector of internal revenue of the district in which he is engaged in such business and must have paid the required tax. Successive applications for registration must be made on or before July 1 each year, and the required tax must be paid. The application must bear the applicant's signature.

(b) A person who desires to engage in such business must register and pay the tax before business is commenced. Each person registered is classified and taxed, in accordance with the kind of narcotic business he is engaged in, as follows:

(c) The following classes of persons must be registered and pay the tax at the annual rates specified:

(i) Importers, manufacturers, producers, chemists, compounders—\$24;

(ii) Wholesale dealers—\$12;

(iii) Retail dealers—\$6;

(iv) Physicians, dentists, veterinary surgeons, and other practitioners—\$3;

(v) Manufacturers of and dealers in exempt preparations (including dispensing physicians)—\$1.

**Note**—The **federal control** of narcotics is based on tax violation, and prosecutions under the federal law are related to the matter of taxes. The amount of tax that must be paid is subject to change. The 1938 tax is given above. **State narcotic laws** are not based on taxes, and prosecutions are on a direct criminal basis.

### 3. Institutions.

Hospitals, colleges of pharmacy, medical and dental clinics, sanatoriums, and other institutions not exempt as public institutions, are subject to the same special tax liability as other persons dealing in or handling narcotic drugs or preparations in the same manner. They must be registered. (**Note**—Public institutions of the above kinds are governed by special narcotic regulations.)

### 4. Importers, Manufacturers, Producers; Wholesale Dealers; Retail Dealers.

(a) Every person who imports, manufactures, compounds, or otherwise produces any of the aforesaid drugs, is deemed to be an **importer, manufacturer, or producer**, as the case may be.

(b) A **wholesale dealer** is a person who sells or offers for sale any of said drugs in the original stamped packages.

(c) A **retail dealer** is a person who sells or dispenses such drugs from original stamped packages, as, for instance, a registered druggist who fills a prescription issued by a duly registered and licensed practitioner.

### 5. Transactions by unregistered persons.

It is unlawful for any person required to register under the said narcotic law to import, manufacture, produce, compound, sell, deal in, dispense, distribute, or give away any of the aforesaid drugs without having registered and paid the special tax.

## 6. Exemptions from registration and tax.

The following classes of persons are not required to register or pay a tax, and are allowed to have said narcotics in their possession under the following conditions:

(a) Any employee of a registered person, acting within the scope of his employment. (Such registered person is, in general, responsible for the acts of his employee in regard to such drugs. An employee is guilty of crime if he wilfully violates the narcotic law.);

(b) A nurse attending a patient under the direction of a duly registered and licensed practitioner;

(c) Federal, state, and municipal employees and officials, in the performance of their official duties, including officers of the Army or Navy; also all other government officers in the discharge of their duties, and persons assisting them;

(d) Warehousemen keeping said drugs for a registered person;

(e) Common carriers and their employees, while lawfully transporting any of said drugs;

(f) Any person having in his or her possession any of the aforesaid drugs which have been obtained from a registered dealer in pursuance of a prescription, written for legitimate medical uses, issued by a physician, dentist, veterinary surgeon, or other practitioner registered under the narcotic law; provided the bottle or other container in which such drug was put by the dealer in pursuance of said prescription bears: (i) name and registry number of the druggist; (ii) serial number of prescription; (iii) name and address of the patient; (iv) name, address, and registry number of person who wrote the prescription;

(g) Travelling salesmen who solicit orders for registered persons and forward them to their respective principals.

## 7. Order Forms.

(a) **Use: When required**—With the exceptions noted in the following paragraph, order forms are required for all sales or other dispositions of narcotic drugs.

**When not required**—The use of order forms is not required:

(1) For dispositions by a duly qualified physician in the course of his professional practice only;

(2) For sales or other dispositions pursuant to properly executed prescriptions for legitimate medical purposes;

(3) For lawful exportations;

(4) For sales or other dispositions to exempt officials;

(5) For the sale, distribution, giving away, dispensing, or possession of exempt preparations (see Paragraph 10).

(b) **When not to be used:** Order forms should not be used for the procurement of exempt preparations or drugs, or preparations not within the purview of the law.

#### 8. The use of order forms.

(a) The collector of internal revenue for each federal district keeps on hand narcotic order forms. These forms are intended solely to cover disposition of narcotic drugs and preparations to registered persons, and they must not be used for prescriptions.

(b) Every registered person whose class of registration entitles him to use specific order forms applies to the collector of his district for same.

(c) The collector, before issuing forms to the person, sees to it that there is shown thereon the person's name, address, registry and class numbers, and the signature of the collector or of the government employee who issued the forms. The forms are issued in duplicate and must be used in duplicate.

(d) The insertions made on any order form by the collector or by his representative must not be changed by the purchaser or consignor, or by any other unauthorized person.

(e) It is unlawful for any person to sell, barter, exchange, or give away any of the aforesaid drugs, except pursuant to a written order produced by the per-

son to whom such article is sold, bartered, exchanged, or delivered.

(f) The person who issues the order must be registered, and must use the order forms supplied by the collector. He must fill out each order in duplicate and keep the duplicate on file for a period of two years. The date of issuance must be on the order.

(g) The person who fills the order must be registered and be entitled to do so by his class of registration. He must keep the order on file for a period of two years. (Note following exceptions).

#### 9. Exceptions to foregoing.

The following are exceptions to regulations in Paragraph 8, and order forms are not required for:

(a) The distribution or dispensing of any of such narcotics to a patient by a registered physician, dentist, veterinarian, or other practitioner (The practitioner must keep a record in each case of the quantity so used, the name and address of patient, and the date);

(b) The sale, dispensing, or distribution of said drugs to a customer by a registered druggist, pharmacist, or other retail dealer, in pursuance of a written prescription issued by a registered physician, veterinary, dentist, or other practitioner authorized by law to issue prescriptions (The prescription must be signed by the practitioner who issued it and kept on file by the dealer for a period of two years). The container must be properly labeled by the dealer;

(c) The sale, barter, exchange, or giving away of said drugs to any officer of the federal, state, county, or municipal government—including Army and Navy officers—provided the public duty of the officer includes the acquiring, dispensing, or handling of narcotic drugs (Each such transaction must be in accordance with the special narcotic regulations governing it, and proper records must be made.) The order must be given on a special order form or official stationery.

(d) The transportation of any of said drugs by a person within the United States to any person in a

foreign country, provided the exporter complies with the United States laws and narcotic regulations relating to same.

**Note**—Orders on official order forms may be filled only by a registered importer, manufacturer, producer, or wholesale dealer; except that a registered retail dealer may fill an order issued on such forms if it calls for one ounce or less of an aqueous or oleaginous narcotic solution, provided the narcotic content does not exceed a greater proportion than twenty percent of the complete solution and it is to be used in legitimate office practice.

#### **10. Exempt Preparations.**

The provisions of the narcotic law shall not be construed to apply to the manufacture, sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce, or, if a solid or semi-solid preparation, in one avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use, only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them;

**Provided**, that such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of the narcotic law;

**Provided further**, that any manufacturer, producer, compounder, or vendor (including dispensing physicians) of the preparations and remedies mentioned in this section shall keep a record of all sales, exchanges, or gifts of such preparations and remedies in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall direct. Such record shall be preserved for a period of two years in such a way as to be readily accessible to inspection by any



officer, agent, or employee of the Treasury Department duly authorized for that purpose, and authorized state, territorial, District (of Columbia), municipal, and insular officers. Every such person so possessing or disposing of such preparations and remedies shall register as required, and pay the tax.

The provisions of the above law do not apply to decocainized coca leaves or preparations made from them, or to other preparations of coca leaves which do not contain cocaine.

### U. S. MARIHUANA LAW—

While the use of marihuana was already regulated by state law for some years before that, the Marihuana Tax Act was only passed by Congress in 1937.

Under the provisions of this act, the Secretary of the Treasury has power to make all necessary rules and regulations for carrying out its provisions, and to delegate any rights that the act gives him to such officers of the Treasury Department as he shall appoint or designate. The Secretary has imposed his duties in the matter on the Commissioner of Narcotics.

Any person who violates the provisions of the Marihuana Act, or the regulations relating to it, is guilty of an unlawful act.

The following are, in substance, some of the provisions of the Marihuana Act and regulations with which policemen are likely to come into contact in the performance of their duty:

#### 1. Definitions. When used in this article—

(a) The term **act** means the Marihuana Tax Act of 1937, unless otherwise indicated.

(b) The term **marihuana** means all parts of the plant *cannabis sativa* L, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fibre produced from such stalks, oil or cake

made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(c) The term **person** means an individual, a partnership, trust, association, company, or corporation, and includes an officer or employee of a trust, association, company, or corporation, or a member or employee of a partnership, who, as such officer, employee, or member, is under a duty to perform any act in respect of which any violation of this act occurs.

(d) The term **Secretary** means the Secretary of the Treasury, and the term **collector** means collector of internal revenue.

(e) The term **transfer** or **transferred** means any type of disposition resulting in a change of possession, but shall not include a transfer to a common carrier for the purpose of transporting marihuana.

(f) The terms **manufacturer** or **compounder** shall include any person who subjects marihuana to any process of separation, extraction, mixing, compounding, or other manufacturing operation. They shall not include one who merely gathers and destroys the plant, one who merely threshes out the seeds on the premises where produced, or one who in the conduct of a legitimate business merely subjects seeds to a cleaning process.

(g) The term **producer** means any person who (1) plants, cultivates, or in any way facilitates the natural growth of marihuana; or (2) harvests and transfers or makes use of marihuana.

Generally, all persons are included under the term **producers** in the marihuana regulations who gather marihuana for any purpose other than to destroy it. The term does not include one who plows under or otherwise destroys marihuana. It does not include one who grows marihuana in his own laboratory for the purpose of research, instruction, or analysis, and who does not use it for any other purpose, or transfer it.

## 2. Registration.

(a) Every person who imports, manufacturers, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana must be registered with the collector of internal revenue and have paid the required tax before engaging in any such activity. (Each registered person is given a distinct registry number.)

(b) A registered person must, if he desires to continue in the activity covered by the act, make application for a renewal of his registration and pay the required tax on or before July 1 of each year.

(c) A person who engages in such an activity without being registered and paying the required tax is guilty of a crime.

(d) The following classes of persons must be registered and pay the tax at the annual rates specified:

(i) Importers, manufacturers, and compounders—\$24;

(ii) Producers, except those included in Class (v)—\$1;

(iii) Dealers, other than physicians, dentists, veterinary surgeons, and other practitioners—\$3;

(iv) Physicians, dentists, veterinary surgeons, and other practitioners—\$1;

(v) Producers and other persons, other than importers, manufacturers, producers, and compounders, who use marihuana in a laboratory for the purpose of research, instruction, or analysis—\$1.

(e) **Institutions.** Hospitals, colleges, medical and dental clinics, sanatoriums, and other institutions not exempt as public institutions, are subject to the same tax liability and registration as other persons dealing in or handling marihuana in the same manner.

(f) **Itinerant vendors.** No person is permitted to deal in marihuana except upon orders received or engagements made at a fixed address. A peddler of marihuana will be regarded as incurring a separate tax

liability and committing an additional offense at each place where a sale is made.

**Note**—Payment of tax under the federal law confers no right to conduct business contrary to state law. (This also applies to the law relating to opium and coca leaves.)

### 3. Where official order forms are required.

(a) Order forms for the transfer of marihuana are kept on hand by the collector of internal revenue of each federal district.

(b) It is unlawful for a person, whether or not required to pay a special tax and register, to transfer marihuana except on a written order of the person to whom the marihuana is to be transferred. The form is issued by the collector. [See Paragraph (e).]

(c) Each time a person desires to transfer marihuana, he makes an application to the collector of the district on Form 679a (Marihuana), stating the facts thereon. This form must show his signature, name, address, and registry number. If the form is not signed by the registered person, it must be signed by one having power of attorney.

(d) The collector, if he sees fit, sells the necessary forms to the person and collects the required tax. The collector, before issuing the form, causes the date of its sale, and address of proposed vendor, name and address of the purchaser, and amount of marihuana ordered to be written or stamped thereon.

(e) The form is filled out in triplicate, the original and one copy are given to the person purchasing same, and the other copy is filed by the collector.

(f) The purchaser of the forms must give the original to the person who transfers the marihuana to him in pursuance thereof. Said transferer must keep the original on file for a period of two years, and the purchaser must keep his copy on file for a like period.

(g) A collector issuing an order form for procurement of marihuana from a foreign country gives to the importer a document reciting that an order form has been issued.

#### 4. Where official order forms are not required.

Subject to such regulations as the Secretary may prescribe, nothing contained in this section shall apply:

(a) To a transfer of marihuana to a patient by a physician, dentist, veterinary surgeon, or other practitioner registered under Section 2, in the course of his professional practice only (see our Paragraph 2):

**Provided**, that such physician, dentist, veterinary surgeon, or other practitioner shall keep a record of all such marihuana transferred, showing the amount transferred and name and address of the patient to whom such marihuana is transferred; and such record shall be kept for a period of two years from the date of the transfer of such marihuana, subject to inspection as provided in Section 11 [our Paragraph 8];

(b) To a transfer of marihuana, made in good faith by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, veterinary surgeon, or other practitioner who is registered under the act;

**Provided**, that such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, veterinary surgeon, or other practitioner who issues the same;

**Labels on containers.** The dealer filling a prescription must affix to the container a label showing the name and registry number of the dealer, the serial number of the prescription, the name and address of the patient, and the name, address, and registry number of the person writing the prescription.

**Provided further**, that such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filled so as to be readily accessible for inspection by the officers, agents, employees, and officials mentioned in Section 11 (See Paragraph 8); Prescriptions must not be refilled.

(c) To the sale, exportation, shipment, or delivery of marihuana by any person within the United States, any territory, the District of Columbia, or any of the

insular possessions of the United States, to any person in any foreign country regulating the entry of marihuana, if such sale, shipment, or delivery of marihuana is made in accordance with such regulations for importation into such foreign country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

(d) To a transfer of marihuana to any officer or employee of the United States government or of any state, territorial, district, county, or municipal or insular government lawfully engaged in making purchases thereof for the various departments of the Army and Navy, the Public Health Service, and for government, state, territorial, district, county, or municipal or insular hospitals or prisons;

(e) To a transfer of any seeds of the plant *cannabis sativa* L to any person registered under Section 2 [See "Registered Persons," Paragraph 2, this article; also Paragraph 1 (b)]. Note—Before making transfers of unsterilized seeds, the transferer must receive from the transferee a certificate of registration showing the transferee to be qualified under the act to acquire these seeds.

### 5. Other Exceptions.

Under the conditions specified, the following classes of persons can lawfully have marihuana in their possession without being registered:

(a) A nurse tending the patient of a registered practitioner and acting under his direction;

(b) A public officer or public employee in the performance of his duty;

(c) A common carrier or any of his employees lawfully engaged in transporting marihuana;

(d) A warehouseman lawfully storing marihuana for a registered person;

(e) An employee of any person who has paid the special tax and registered, as required by Section 2 of this Act, acting within the scope of his employment;

(f) A person who has obtained the marihuana from a registered dealer for medicinal use in pursuance of a prescription written for him by a duly registered physician or other authorized practitioner. Its container must be labeled in accordance with the provisions of Paragraph 4 (b) above.

#### 6. Records.

A person liable to pay a tax under the act must keep the books and records imposed by the act and comply with such regulations as may be prescribed by the Commissioner of Narcotics from time to time.

A registered person, whenever required to do so by the collector, must render to him such statements as are required by the regulations.

#### 7. Forgery of required papers (Section 3451, U. S. Revised Statutes).

Every person who simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of the internal revenue laws, or by any regulation made in pursuance thereof, or who procures the same to be falsely or fraudulently executed, or who advises, aids in, or connives at such execution thereof, shall be imprisoned for a term not less than one year nor more than five years; and the property to which such false or fraudulent instrument relates shall be forfeited.

NOTE—Provisions of Paragraph 7 are rarely used in prosecutions.

#### 8. Inspections.

The order forms and copies thereof and the prescriptions and records required to be preserved under the provision of the act and the statements or returns filed in the office of the collector of the district under the provisions of the act shall be open to inspection by officers, agents, and employees of the Treasury Department duly authorized for that purpose, and such officers of any state or territory, or of any political subdivision thereof, or the District of Columbia, or of any insular possession of

the United States, as shall be charged with the enforcement of any law or municipal ordinance regulating the production, sale, prescribing, dispensing, dealing in, or distribution of marihuana. Each collector shall be authorized to furnish, upon written request, copies of any of the said statements or returns filed in his office to any of such officials of any state or territory, or political subdivision thereof, or the District of Columbia, or any insular possession of the United States, as shall be entitled to inspect the said statements or returns filed in the office of the said collector, upon the payment of a fee of \$1 for each 100 words or fraction thereof in the copy or copies so requested. (See Paragraphs 3, 4, and 6 in regard to records).

#### 9. Penalties.

Any person who is convicted of a violation of any provision of this act shall be fined not more than \$2000 or imprisoned not more than five years, or both, in the discretion of the court.

NOTE—Paragraphs 6 to 9 also apply to the laws relating to opium and coca leaves.

#### IMPORT OF NARCOTIC DRUGS—

It is unlawful to import or bring any narcotic drug into the United States or any territory under its control or jurisdiction, except that such amounts of crude opium and coca leaves as the Federal Narcotics Control Board finds to be necessary to provide for medical and legitimate uses only may be imported and brought into the United States or such territory under such regulations as the board shall prescribe; but no crude opium may be imported or brought in for the purpose of manufacturing heroin. All narcotic drugs shall be subject to the duties which are now or may hereafter be imposed upon such drugs when imported.

Note—The law relating to marihuana enacted in 1937 gives registered persons the lawful right to import it, for medicinal or other legitimate use, provided all the provisions of the law are complied with.



If any person fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction—contrary to law—or assists in so doing, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, such person shall, upon conviction, be fined not more than \$5000 and imprisoned for not more than ten years.

In a trial for violation of the provision recited in the preceding paragraph, the fact that the defendant had possession of such narcotic is presumptive evidence of his guilt, unless he explains its possession to the satisfaction of the jury.

#### STATE NARCOTIC LAW—

All of our states have laws relating to habit-forming drugs. Generally, these laws are patterned on the federal laws and conformable to them.

The fact that a person is registered under the federal narcotic law and complies with its provisions does not give him the right to violate the drug law of the state where he is handling the narcotic. On the other hand, compliance with a state law does not excuse violation of the federal law.

If an arrest is made for violation of the state narcotic law by a policeman or other person, and such a violation also constitutes a violation of the federal narcotic law, the collector of internal revenue of the district should, as a rule, be notified, if the person is charged with a serious violation.

Persons who have narcotics in their possession for personal use only are not usually prosecuted by the federal authorities unless the arrest is made by a federal officer.

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2. The second group of people who are interested in the study of the history of the world are the archaeologists. They are the people who dig up the things that were left behind by the people of the past. They are the people who try to find out what the people of the past were like and what they were doing. They are the people who try to understand the world as it was and as it is.

3. The third group of people who are interested in the study of the history of the world are the geographers. They are the people who study the world as it is. They are the people who try to find out what the world is like and what it is made of. They are the people who try to understand the world as it is and as it is.









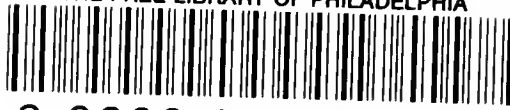








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